S. HRG. 109–1036

NOMINATIONS OF MOLLY O'NEILL AND DALE KLEIN

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

THE NOMINATIONS OF **MOLLY O'NEILL,** TO BE AN ASSISTANT ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY AND **DALE KLEIN,** TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

MAY 17, 2006

Printed for the use of the Committee on Environment and Public Works

Available via the World Wide Web: http://www.access.gpo.gov/congress.senate

U.S. GOVERNMENT PRINTING OFFICE

42–278 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED NINTH CONGRESS
SECOND SESSION

JAMES M. INHOFE, Oklahoma, *Chairman*

JOHN W. WARNER, Virginia
CHRISTOPHER S. BOND, Missouri
GEORGE V. VOINOVICH, Ohio
LINCOLN CHAFEE, Rhode Island
LISA MURKOWSKI, Alaska
JOHN THUNE, South Dakota
JIM DEMINT, South Carolina
JOHNNY ISAKSON, Georgia
DAVID VITTER, Louisiana

JAMES M. JEFFORDS, Vermont
MAX BAUCUS, Montana
JOSEPH I. LIEBERMAN, Connecticut
BARBARA BOXER, California
THOMAS R. CARPER, Delaware
HILLARY RODHAM CLINTON, New York
FRANK R. LAUTENBERG, New Jersey
BARACK OBAMA, Illinois

ANDREW WHEELER, *Majority Staff Director*
KEN CONNOLLY, *Minority Staff Director*

C O N T E N T S

Page

MAY 17, 2006

OPENING STATEMENTS

Carper, Hon. Thomas R., U.S. Senator from the State of Delaware 11
Hutchison, Hon. Kay Bailey, U.S. Senator from the State of Texas 5
Inhofe, Hon. James M., U.S. Senator from the State of Oklahoma 1
Jeffords, Hon. James M., U.S. Senator from the State of Vermont 3
Lautenberg, Hon. Frank R., U.S. Senator from the State of New Jersey 8
Obama, Hon. Barack, U.S. Senator from the State of Illinois 10
Voinovich, Hon. George V., U.S. Senator from the State of Ohio 6
Warner, Hon. John W., U.S. Senator from the Commonwealth of Virginia 8

WITNESSES

Klein, Dale, nominated to be a member of the Nuclear Regulatory Commission 15
Committee questionnaire 59
Prepared statement 55
Responses to additional questions from:
Senator Boxer 57
Senator Jeffords 55
Senator Obama 57
Senator Voinovich 56
O'Neill, Molly, nominated to be an Assistant Administrator, Environmental Protection Agency 13
Committee questionnaire 39
Prepared statement 24
Responses to additional questions from:
Senator Jeffords 25
Senator Obama 37
Senator Thune 36

ADDITIONAL MATERIAL

Letter, Mary Alice Baish, associate Washington affairs representative, American Association of Law Libraries; Emily Sheketoff, executive director, American Library Association, Washington Office; Douglas Newcomb, CAE, chief policy officer, Special Library Association 100
Review, Business Case for Information Services: EPA's Regional Libraries and Centers, January 2004..... 85–102

NOMINATIONS OF MOLLY O'NEILL AND DALE KLEIN

WEDNESDAY, MAY 17, 2006

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m. in room 628, Senate Dirksen Building, Hon. James Inhofe (chairman of the committee) presiding.

Present: Senators Inhofe, Warner, Voinovich, Jeffords, Carper, Clinton, Lautenberg, and Obama. Also present: Senator Hutchison.

OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator INHOFE. We are going to go ahead. We have a policy here that no other committee has, and that is we start on time. I don't care even if you don't show up; we are going to start without you. [Laughter.]

Senator INHOFE. Today we will be conducting a hearing to consider two highly qualified nominees: Molly O'Neill to be Assistant Administrator at the EPA for Environmental Information and Dr. Dale Klein to be a member of the Nuclear Regulatory Commission. Molly O'Neill comes before the committee having served as the State Director of the National Environmental Information Network for the Environmental Council of States. She certainly understands what EPA's Office of Information is all about, and she will be able to hit the ground running.

I would like to applaud the EPA's recent efforts to find ways to reduce the compliance burden associated with the Toxic Releases Inventory, or the TRI. Last fall, the EPA proposed allowing certain TRI reporters to use the shorter TRI form. This move would save an estimated 165,000 hours of burden each year, while retaining 99 percent of the current long form data at the national level. This is the type of streamlining the Agency should consider, and I encourage you, Molly, to do that.

Dale Klein has been nominated to be a member of the Nuclear Regulatory Commission and the President has announced his intention to designate Dr. Klein as Chairman of the NRC. Dr. Klein is currently assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs. Dr. Klein has significant experience in the nuclear world; he is a tenured professor at the University of Texas, where he has worked in its nuclear program for nearly 30 years, and has served on the Texas Radiation Advisory Board.

He has been a regulator; he has been part of the regulated community, where he oversaw the licensing of a university nuclear reactor. I think that is very important; not just to have the experience as a regulator, but also experience as a regulated. I went through that myself for 30 years in the private sector, and that is what drove me to Washington.

I have to say this, Dr. Klein.

[Laughter.]

Senator INHOFE. In 1998, as Chairman of the Nuclear Subcommittee, I began a series of hearings. Prior to that time, I was Chairman of the Subcommittee on Clean Air. We had not had a hearing on the NRC for 12 years. I don't care what the bureaucracy is, if you go without a hearing for a period of time, it gets out of hand. We did that and they were very cooperative, and we totally changed that and streamlined it and had some very positive results.

We need to confirm the Nuclear Regulatory Commission when the committee votes for Dr. Klein's confirmation. We also include on the agenda both Commissioners Lyons and Jaczko. So that will fill the committee, and that is what we want, to have a full committee.

So I want to thank the nominees for coming.

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF HON. JAMES INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Today we will be conducting a hearing to consider two highly qualified nominees: Molly O'Neill to be the Assistant Administrator at EPA for Environmental Information, and Dr. Dale Klein to be a member of the Nuclear Regulatory Commission.

Molly O'Neill comes before the committee having served as the State Director of the National Environmental Information Network for the Environmental Council of the States. She certainly understands what EPA's Office of Information is all about and she will be able to hit the ground running.

I would like to applaud the EPA's recent efforts to find ways to reduce the compliance burden associated with the Toxic Release Inventory, or TRI. Last fall, EPA proposed allowing certain TRI reporters to use the shorter TRI Form. This move would save an estimated 165,000 hours of burden each year while retaining 99 percent of current long form data at a national level. This is the type of streamlining the Agency should consider and I encourage you, Ms. O'Neill, to continue to look for other areas where you can create efficiencies and reduce burdens while maintaining environmental protection.

Dale Klein has been nominated to be a member of the Nuclear Regulatory Commission and the President has announced his intention to designate Dr. Klein as Chairman of the NRC. Dr. Klein is currently the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs. Dr. Klein has significant experience in the nuclear world. He is a tenured professor at the University of Texas where he has worked in its nuclear program for nearly 30 years and has served on the Texas Radiation Advisory Board. He has been a regulator; he has been part of the regulated community where he oversaw the licensing of a university nuclear reactor; and he has managed a large Federal Government office with enormous responsibilities. He is the perfect fit to be Chairman of the NRC.

In 1998, as Chairman of the Nuclear Subcommittee, I began a series of oversight hearings of the NRC. The hearing I held in 1998 was the first held by this committee in years. When I began conducting oversight of the NRC, I did so with the goal of changing the bureaucratic atmosphere at the NRC. By 1998, the NRC had become an Agency of process, not results. If the Agency was to improve it had to employ a more results-oriented approach—one that was risk-based and science-based. I am pleased that in the last 8 years, we have seen tremendous strides. This approach has made the NRC a lean and more effective regulatory agency. I do want to take a moment to acknowledge the service of the current Chairman of the NRC, Nils Diaz, as he has been a driving force behind much of the positive changes at the Agency. After nearly a decade of serving on the Commission, Chairman Diaz has

decided to step down. He will be missed and I want to publicly thank him for his service. It will now be up to Dr. Klein to continue that progress. If nuclear, and more specifically NEW nuclear, is going to play an increasing role in this Nation's energy mix, the NRC must do its job effectively. They need to continue the effort at risk-based regulations, enforcement actions and programs. It is not only important that we continue the progress on relicensing, we have to make sure that the NRC can handle licenses for new plants. These are major challenges facing the Commission.

We need a full and confirmed Nuclear Regulatory Commission. When the committee votes on Dr. Klein's confirmation, we will also include on that agenda both Commissioners Lyons and Jaczko.

Dr. Lyons and Dr. Jaczko are currently serving under recess appointments that will expire at the end of this Congress. The NRC has significant challenges ahead and we cannot ask for the Commission to function up to our expectations if we do not have a full and confirmed commission in place.

I want thank the nominees for being here today and for your willingness to serve. It is my hope that we can have you confirmed in the very near future.

Senator INHOFE. I recognize the Ranking Minority Member, Senator Jeffords, for an opening statement. As soon as that is completed, I think Senator Hutchison wants to be here for one introduction of Dr. Klein and maybe some other introductions.

Senator Jeffords.

OPENING STATEMENT OF HON. JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

Senator JEFFORDS. Thank you, Mr. Chairman.

Today we have two nominees before us. The first, Dale Klein, has been nominated to serve as Commissioner of the Nuclear Regulatory Commission. The mission of the NRC is one of the most vital functions carried out by the Federal Government. I will be asking questions to ensure that the nominee shares my view: the top priority for NRC is safety.

Mr. Klein has been nominated to join the NRC at a time when, I believe, public confidence in the Commission needs to be bolstered. Fortunately, and to the NRC's credit, we have not had a serious nuclear accident at any of our Nation's nuclear facilities. But problems on several plants, including a plant in my home State of Vermont, have left the public wondering about the effectiveness of our regulatory system. We are asking the public to accept continued and expanded nuclear power generation. To do that, we need to earn their confidence that the NRC is ensuring that nuclear plants operate well and safely. I will be looking for assurances from the nominee that he is committed to this goal.

Ms. O'Neill, it will be your role to lead EPA's Office of Environmental Information. This office is critical for the Agency's mission and for helping the public understand and improve environmental conditions where they live and work and play.

I am deeply concerned, however, that the Bush administration seems intent on undermining the public's right to know about environmental conditions in their communities. Last year, the Administration proposed to shield polluters by throwing out the requirement that industry disclose toxic releases every year. Instead, the Administration would have them report toxic releases only every other year.

The EPA has also proposed to exempt the thousands of facilities from reviewing how much toxic waste was released and where it went. According to the EPA's own data, over 1,400 facilities that

released cancer-causing materials in 2003 would be able to hide their emissions under this proposal. It is therefore not surprising that officials from 23 States submitted comments in opposition to this proposal.

The Toxic Release Inventory Program has proven to be one of the most successful environmental statutes. By shining a light on toxic releases across the Nation, the volume of toxic material released annually has fallen by an estimated 59 percent since the disclosure requirement went into effect in 1988. But now this Administration wants to dim that light.

Just this week we learned of a new assault on the public's right to know. The Washington Post reported that funding cuts under President Bush's fiscal year 2007 budget would force EPA to close its network of regional libraries. These libraries play an important role in informing the public, and their disclosure would be another example of this Administration's disturbing trend of blocking access to public information.

Mr. Chairman, I ask that this document, a 2004 EPA review which points to the overwhelming cost benefits of the library system, be placed into the record.

Senator INHOFE. Without objection, I expect that will be done.

[The referenced document follows on page 85.]

Senator JEFFORDS. From my perspective, it is critical that the head of the EPA's Office of Environmental Information be committed to preserving the public's right to know about environmental conditions in their communities.

I look forward to exploring your views on this issue and learning, in particular, whether you support the Administration's proposal.

Thank you.

[The prepared statement of Senator Jeffords follows:]

STATEMENT OF HON. JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

Thank you Mr. Chairman, today we have two nominees before us. The first, Dale Klein, has been nominated to serve as a Commissioner of the Nuclear Regulatory Commission (NRC). The mission of the NRC is one of the most vital functions carried out by the Federal Government. I will be asking questions to ensure that the nominee shares my view: the top priority for the NRC is safety.

Mr. Klein has been nominated to join the NRC at a time when, I believe, public confidence in the Commission needs to be bolstered. Fortunately, and to the NRC's credit, we have not had a serious nuclear accident at any of our Nation's nuclear facilities. But problems at several plants, including a plant in my home State of Vermont, have left the public wondering about the effectiveness of our regulatory system.

We are asking the public to accept continued and expanded nuclear power generation. To do that, we need to earn their confidence that the NRC is ensuring that nuclear plants operate well and safely. I will be looking for assurances from the nominee that he is committed to this goal. Ms. O'Neill, it will be your role to lead EPA's Office of Environmental Information. This office is critical for the Agency's mission, and for helping the public understand and improve environmental conditions where they live, work and play.

I am deeply concerned, however, that the Bush administration seems intent on undermining the public's right to know about environmental conditions in their community. Last year, the Administration proposed to shield polluters by throwing out the requirement that industry disclose toxic releases every year. Instead, the Administration would have them report toxic releases only every other year. The EPA also proposed to exempt thousands of facilities from revealing how much toxic waste was released and where it went. According to EPA's own data, over 1,400 facilities that released cancer-causing materials in 2003 would be able to hide their emissions

under this proposal. It is therefore not surprising that officials from 23 States submitted comments in opposition to this proposal.

The Toxic Release Inventory Program has proven to be one of the most successful environmental statutes. By shining a light on toxic releases across the Nation, the volume of toxic material released annually has fallen by an estimated 59 percent since the disclosure requirement went into effect in 1988. But now, this Administration wants to dim that light.

Just this week, we learned of a new assault on the public's right-to-know. The Washington Post reported that funding cuts under President's Bush fiscal year 2007 budget would force EPA to close its network of regional libraries. These libraries play an important role in informing the public, and their closure would be another example of this Administration's disturbing trend of blocking access to public information. Mr. Chairman, I ask that this document, a 2004 EPA review which points to the overwhelming cost benefits of the library system, be placed in the record. From my perspective, it is critical that the head of EPA's Office of Environmental Information be committed to preserving the public's right-to-know about environmental conditions in their communities. I look forward to exploring your views on this issue and learning, in particular, whether you support the Administration's proposals.

Senator INHOFE. Thank you, Senator Jeffords. We are looking forward to the opening statements of our other Members, but, with their permission, we will go now to a special introduction that Senator Hutchison is going to make of Dr. Klein.

Senator Hutchison.

OPENING STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM THE STATE OF TEXAS

Senator HUTCHISON. Well, thank you very much, Mr. Chairman. Thank you, Senator Jeffords, Senator Warner, Senator Voinovich, Senator Lautenberg.

I am so pleased to be here because I am introducing a personal friend who I think also has stellar qualifications for the position of Chairman of the Nuclear Regulatory Commission. Before entering public service, Dr. Klein served as vice chancellor for Special Engineering Programs at the University of Texas System. He also was chairman and executive director of the Amarillo National Research Center.

President Bush then selected him, in 2001, to act as Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. His vast experience with nuclear policy, coupled with his vision for the Nuclear Regulatory Commission will enable Dr. Klein to serve as a valuable asset to our country. His qualifications, experience, and integrity make him the very strongest candidate for this position.

At a time when our Nation is at increasing risk from nuclear threats and we also are trying to improve and develop a nuclear program for energy sources for our country, he is the perfect person, with his knowledge of nuclear policy, to try to bring all of that to fruition.

He is joined today by his wife Rebecca Klein, a former chairman of the Texas Public Utility Commission and a great public servant in her own right. She has been an outstanding public servant, as has Dr. Klein, and I so hope that you will act expeditiously on his nomination. I know he will be a huge asset for us.

Thank you.

Senator INHOFE. Thank you, Senator Hutchison. I know they appreciate your presence here today. You may be excused if you need to.

Senator HUTCHISON. Thank you very much.

Senator INHOFE. Senator Voinovich.

OPENING STATEMENT OF HON. GEORGE V. VOINOVICH, U.S. SENATOR FROM THE STATE OF OHIO

Senator VOINOVICH. Thank you, Mr. Chairman, for holding this nomination hearing.

Unfortunately, I am not able to stay because I am introducing my good friend, Rob Portman, to the Homeland Security and Government Affairs Committee for his nomination to be Director of the Office of Management and Budget. I wish that I could be here for this entire hearing, because it brings together two subcommittees that I chair.

As chairman of the subcommittee that oversees Government management in the Federal workforce, I want to make sure that we have the right people with the right knowledge and skills at the right place at the right time. I am especially concerned about this for the Nuclear Regulatory Commission because I also chair the Subcommittee on Clean Air, Climate Change, and Nuclear Safety, which oversees the Nuclear Regulatory Commission.

I welcome our nominees, Dr. Dale Klein for Chairman of the NRC, and Ms. Molly O'Neill for Assistant Administrator of EPA's Office of Environmental Information. I thank you both for your willingness to serve and, even more importantly, I thank your families for their sacrifices.

This is one of the most challenging times, Mr. Chairman, for the NRC, as the industry is actively pursuing to build new nuclear powerplants for the first time in decades. I just got an update on that, and it looks like we have, at this stage of the game, a possibility of 15 to 18 new applications coming in for nuclear powerplants in this country, which is the first time this has happened in my lifetime in terms of being here in the Senate. Mr. Chairman, you know it wouldn't have happened without the passage of the Energy bill last year.

At the same time, the Agency will have to deal with a wave of retirements, as more than 30 percent of its workforce will be eligible to retire. More than ever, the Commission needs strong and able leadership.

Mr. Chairman, I met with Dr. Klein last week, and we had a detailed discussion about his qualifications and vision for the Commission. I believe that Dr. Klein has the right mix of technical, policy, and management experience to serve as NRC's chairman. His significant management experience at department events, combined with the years he spent in academia, make him uniquely qualified for the position.

I just want to mention for the record, Mr. Chairman, that when he was over at DOD, he oversaw some 2,400 employees, including 20 career SES managers, and a $6 billion budget. At the NRC he will have a few more employees, 3,300, but a $760 million budget. As you know, Mr. Chairman, from your longstanding interest in the Nuclear Regulatory Commission, the thing that we really need

there is management, management, management, and I really think that Dr. Klein is qualified to get the job done there for us.

I am pleased with his stated commitment to instilling regulatory stability at the NRC with a focus on milestones and deliverables. I appreciate his balance to push the NRC as a regulator that ensures the safe operation of the existing fleet of nuclear plants without stifling the growth of nuclear power. This committee has spent a considerable amount of time and oversight in our legislation, and I don't want to see the progress eroded, as it is vitally important for this country's environmental, energy, and economic well-being.

Dr. Klein, I look forward to working with you as you take on your challenges at the NRC. We held an NRC oversight hearing in my subcommittee in March, and we are planning more before the end of the year.

One last thought before I have to leave, Mr. Chairman. The NRC currently has two recess-appointed Commissioners, Greg Jaczko and Pete Lyons. With the challenges facing the Commission, I am very concerned about the situation and believe they should be confirmed as expeditiously as possible, along with Dr. Klein. I understand, Mr. Chairman, that is your position on this, and I urge the committee and Senate to act quickly so that we have a full Commission and Dr. Klein can get rolling.

Thank you very much, Mr. Chairman.

[The prepared statement of Senator Voinovich follows:]

STATEMENT OF HON. GEORGE V. VOINOVICH, U.S. SENATOR FROM THE STATE OF OHIO

Mr. Chairman, thank you for holding this very important nominations hearing.

Unfortunately, I am not able to stay because I am introducing my good friend, Rob Portman, to the Homeland Security and Government Affairs Committee for his nomination to be Director of the Office of Management and Budget.

I wish that I could be here for this entire hearing because it brings together two subcommittees that I chair. As chair of the subcommittee that oversees government management and the Federal workforce, I want to make sure that we have the right people with the right skills running our Nation's Agencies. I am especially concerned about this for the Nuclear Regulatory Commission because I also chair the Subcommittee on Clean Air, Climate Change, and Nuclear Safety which oversees them.

I welcome our nominees—Ms. Molly O'Neill for Assistant Administrator of EPA's Office of Environmental Information and Dr. Dale Klein for Chairman of the NRC. I thank you both for your willingness to serve, and even more importantly, I thank your families for their sacrifices.

This is one of the most challenging times for the NRC as the industry is actively pursuing to build new nuclear powerplants for the first time in decades. At the same time, the Agency will have to deal with a wave of retirements as more than 30 percent of its workforce will be eligible to retire. More than ever, the Commission needs strong and able leadership.

Mr. Chairman, I met with Dr. Klein last week and we had a detailed discussion about his qualifications and vision for the Commission. I believe that Dr. Klein has the right mix of technical, policy, and management experience to serve as NRC's Chairman. His significant management experience at the Department of Defense combined with the years he has spent in academia makes him uniquely qualified for this position.

I am pleased with his stated commitment to instilling regulatory stability at the NRC with a focus on milestones and deliverables. I appreciate his balanced approach toward the NRC as a regulator that ensures the safe operation of the existing fleet of nuclear plants without stifling the growth of nuclear power. This committee has spent a considerable amount of time on oversight and on legislation, and I do not want to see that progress eroded as it is vitally important for this country's environmental, energy, and economic well-being.

Dr. Klein, I look forward to working with you as you take on these challenges at the NRC. We held an NRC oversight hearing in my subcommittee in March and are planning more before the end of this year.

One last thought before I have to leave. The NRC currently has two recess-appointed Commissioners—Greg Jaczko and Pete Lyons. With the challenges facing the Commission, I am very concerned about this situation and believe that they should be confirmed as expeditiously as possible along with Dr. Klein. Mr. Chairman, I understand that this is also your position. I urge this committee and the Senate to act quickly so that we have a full Commission.

Again, I thank the witnesses for being here today and for their desire to serve this country.

Senator INHOFE. Thank you, Senator Voinovich.

We are joined by our senior member of this committee, Senator Warner, who is also the Chairman of the Senate Armed Services Committee.

Senator Warner.

OPENING STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM THE COMMONWEALTH OF VIRGINIA

Senator WARNER. Thank you very much, Mr. Chairman. It is always heartening at these hearings to see and read the dossiers of the selections by the President. In this instance two very eminently well experienced, qualified individuals. I would like to note that Ms. O'Neill is a graduate of Virginia Tech, an outstanding institution in the Commonwealth of Virginia. You have my vote.

[Laughter.]

Senator WARNER. Mr. Klein, I had a very excellent meeting with him, and I was reassured, Mr. Chairman, that this nominee really wants to try and in no way marginalize safety, but see what we can do to cut down the amount of time necessary to get the permits and other regulatory conditions met by the private sector as we, as a Nation, hopefully move more and more in the direction of developing, for power purposes, our nuclear energy. So I hope this nominee is able to work with his colleagues and effect that.

We also talked about one of the means to do it whereby the Commission pick three or four standard designs of a plant, well known, well proven designs, certainly from the safety perspective. But that might be a contributing factor to reducing the amount of time, which now takes longer to get the permits than to build the plant. So I am encouraged by this nominee and his desire to help this Nation bring into greater balance its energy resources such that nuclear makes an increased contribution.

I thank the Chair and the Ranking Member.

Senator INHOFE. Well, thank you very much for that excellent statement.

Senator Lautenberg, thank you for deferring to Senator Warner. You are recognized.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. Always I know where my seniority stands, Mr. Chairman. I was happy to defer to my colleague, my esteemed colleague.

Mr. Chairman, thanks for holding this hearing and giving us an opportunity to learn more about these two nominees. If confirmed,

they will have the opportunity to positively affect the lives and the safety of millions of Americans.

First, regarding the NRC. Now, I support the use of nuclear energy, which is a far different thought than I or many of us had in years past. But the reality has come home, and we just can't depend on the same old way of energizing our needs. So I support the use of nuclear energy. It provides 54 percent of New Jersey's electricity.

I also believe—and I had an opportunity to meet with Dr. Klein yesterday. I think we had a meeting of the minds generally. Because the safety factor must always come first, and I think Dr. Klein shares that view—he will have a chance to talk about it—and that the Nuclear Regulatory Commission's most important assignment must always be to protect the public health and safety.

The NRC is a watchdog on the nuclear power industry. This is not to suggest they have any evil, but we have seen what happens when mistakes are made in nuclear power generation. We just can't have a cheerleader, we have to have someone, we have to have the inspector looking very carefully at what is going on. The American people have concerns about nuclear energy, and it has been decades since a new nuclear facility was approved in our country. In order for nuclear power to remain a viable energy option, the industry needs to be open and honest with the public, and the NRC needs to ensure the views of the public and the States are fully considered.

Now, one of the nuclear facilities in our country, in New Jersey is Oyster Creek. It is the oldest operating nuclear plant in the United States, and the plant owners want to renew the operating license for 20 more years. As the NRC considers that request, it should give the people and the government of New Jersey a chance to air their views in public hearings on the record. The NRC must always protect the interests of the public, and it must protect whistleblowers who take the risk of exposing potential safety hazards in nuclear plants, and the risk is a job risk or an assignment risk. So we have to respect those sources if they come to us.

Now, I look to Dr. Klein's statement on the remainder of the hearing and learning more deeply about his views.

Our other nominee was chosen to head EPA's Office of Environmental Information. That office has the critical responsibility to implement the Toxic Release Inventory. The TRI program requires industry facilities across the country to report the amount of toxic chemicals that they store, manufacture, transport chemicals, and what might be released into the environment. This program is a cornerstone of our Federal Right-to-Know Law and has helped to keep citizens aware of the exposures and risks they face in their communities.

Now, last year, EPA proposed several changes to this program that would reduce the amount of information available to people, to States and first responders across this country. Now, my home State of New Jersey, home to lots of chemical and fueled processing facilities, we have opposition within our State, as there is in 22 other States, at the reduction, the notion that we would reduce the time cycles and the standards for reporting.

New Jersey estimates that EPA's proposal would exempt more than 100 facilities in our State from requirements to report toxic chemical releases to the public, and these include facilities that discharge carcinogens such as arsenic, styrene, and chromium. EPA has also informed Congress that it intends to require reporting of this information on a biannual basis, once every 2 years, rather than annually, and that would make it harder for citizens to know what is happening in their communities.

Now, I helped create the TRI program in the aftermath of the tragic release of a deadly chemical cloud in Bopal, India. The public's right to know about chemicals stored and released into their environment is too important to be gutted. So I strongly oppose the changes that EPA and the Office of Environmental Information have proposed to the Toxic Release Inventory program, and I look forward to hearing the nominees' views on this important topic.

Mr. Chairman, thanks for holding this meeting. I, like Senator Warner, have a hearing on the next occupant of the OMB director seat, so please excuse me. I will submit questions in writing.

Senator INHOFE. Thank you, Senator Lautenberg.

Senator Obama.

OPENING STATEMENT OF HON. BARACK OBAMA, U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator OBAMA. Thank you, Mr. Chairman. Thanks for holding this hearing today. I would like to welcome the nominees and their families.

As my colleagues know, the State of Illinois ranks No. 1 in the number of nuclear powerplants; we have 11. Unfortunately, in recent months, Illinois has also achieved the distinction of being the first in the Nation to record a series of tritium leaks at these plants. I had the opportunity to meet with Dr. Klein and have a brief discussion about this. I know that the scientific evidence suggests low levels of tritium don't pose a significant public health hazard, but as I indicated to Dr. Klein in our meeting, that is not the issue. The issue is whether neighboring communities have a right to know about these leaks, even if they don't pose a significant hazard.

My constituents who live near these plants just want timely and complete information about any leaks so they can properly evaluate the environment where their families live. As a parent of two young daughters, I can certainly understand these concerns. When there is a 3-million-gallon leak of tritiated water, as occurred both in 1998 and 2000 in Will County, IL, I don't think it is unreasonable to expect that the leak will be made public right after it happens, not 7 years later.

So to address a serious problem, Mr. Chairman, I introduced this Nuclear Release Notification Act in March, that is, Senate bill 2348, to reform NRC notification requirements for residents who live near nuclear plants. My bill is very simple, it simply says that State and local officials should receive prompt notification after any unplanned leaks.

I was pleased earlier this month that the nuclear industry announced its members would voluntarily provide such notification to

State and local officials, and I welcome the decision, but it begs the question if industry itself understands and accepts the importance of greater openness and transparency. I don't understand why we shouldn't make the notification mandatory, and not just voluntary.

I know that NRC is conducting its own review on what notification should be required, and that review is set to be completed in September. My hope is that we will get a commitment to adopt these mandatory disclosure proposals. I hope that will be one of the recommendations in the report in September.

Dr. Klein, I understand that you may not have been willing to make this commitment yet. I would like to make this commitment made soon, because as I indicated to you in our meeting, even if it turns out that these releases are not harmful, because of public perceptions, neighboring communities can end up seeing their property values affected significantly; they may not be able to sell their home. There is a lot of misinformation floating around as a consequence of the unwillingness to share this information.

Let me just finally end, Mr. Chairman, by echoing something that my colleague from New Jersey, Senator Lautenberg, stated with respect to Ms. O'Neill. I am somewhat concerned and unclear as to why we have seen a proposal from the office that you will be heading regarding TRI reporting. It is not clear to me why we have proposed the changes that have been proposed with respect to making the reporting less consistent and reducing the amount of information that is collected in certain areas.

Again, I am somebody who actually believes that nuclear power is an important component in our overall energy portfolio, but I think that, given past fears, the only way that we are going to be able to move this industry forward is to make sure that everybody is properly informed. So my hope is that on both these fronts we make some progress, and I look forward to working with the nominees in this regard.

Senator INHOFE. Thank you, Senator Obama.

We have a vote that has just opened. What I would like to do is hear the opening remarks of Senator Carper, and then we will have a very short recess. It takes about 10 minutes to get over there and back.

Senator Carper.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. Thanks, Mr. Chairman.

I am pleased to see Dr. Klein. Thank you for visiting with me yesterday and congratulations on your nomination.

I want to welcome Ms. O'Neill today to our hearing.

In my brief comments today, I want to focus on nuclear energy. I believe that a renaissance is underway in nuclear power. I welcome that. Today, some nine companies or groups of companies have developed applications or are developing applications for new nuclear powerplants with the intention of filing those applications, I am told, with the NRC in the next couple of years.

In addition, many of the current nuclear plants that we already have—I think there is about 100 or so—have renewed their licenses to continue to operate, and we expect the rest of the current

fleet to apply for renewals soon. Although the Department of Energy continues to push back its time line, I believe we can assume that in the not too distant future they will apply for a license to operate a nuclear waste repository.

I believe that the future of the nuclear industry literally begins and ends with the Nuclear Regulatory Commission. The responsibility that the Commission shoulders is a big responsibility and one that I believe that the Commission manages, for the most part, quite well. As I said earlier, I am a believer in nuclear power and nuclear energy, and I am heartened by its resurgence, though I acknowledge that there are serious concerns about the disposal of nuclear waste.

While there has been a lot of discussion about this nuclear renaissance, I am concerned that our focus on potential new plants may have resulted in our forgetting about some of our current plants that are already in existence. The public trust in nuclear power must be reassured, and that assurance must start with our current fleet of plants. When I was Governor of Delaware, I would oftentimes tell my staff and cabinet—in fact, our motto was, "if it isn't perfect, make it better." On balance I believe our existing nuclear powerplants have performed well, but we all know they haven't been perfect.

Over the past year, we have been faced, as Senator Obama says, with tritium leaks not only in Illinois, but in New Jersey, across the river from Delaware, by unplanned shutdowns, by lost fuel rods, and by a number of other problems. I believe the NRC must work hard to make sure that every nuclear powerplant in the United States strives every day for perfection.

We are all aware that the coming years are going to require a significant increase in our energy productions, hopefully a cleaner energy than we have had in the past. I believe that most of us are aware of the need for the United States to have a broad portfolio of energy sources, and I believe nuclear must maintain a prominent place in that portfolio.

To make sure that nuclear power fulfills its future promise, the NRC must faithfully fulfill its current oversight mission.

Dr. Klein, as I said to you yesterday, I think you have been nominated for an important post, a very important post at a very important time for our country. We look forward to hearing your testimony following our vote, and that of Ms. O'Neill. If you are confirmed, I certainly look forward to working closely with you and your colleagues on the Commission. Again, welcome and thank you.

Senator INHOFE. Thank you, Senator Carper.

We now have a 10-minute recess. Don't leave. We will be right back.

Molly, when we get back, you are going to introduce Mama, OK?

[Laughter.]

[Recess.]

Senator INHOFE. We will start with Dr. Klein's family introduction, since I think he only has one, then we will get to Molly, OK?

[Laughter.]

Senator INHOFE. Dr. Klein, do you have someone you would like to share with us today?

Mr. KLEIN. I certainly do, Senator. As you know from the military perspective, you have CICs, you know, commanders in chief. My commander in chief of the house, my wife, Becky.

Senator INHOFE. Becky, stand up so we can see you. Nice to have you here, Becky.

Molly?

Ms. O'NEILL. Thank you, Mr. Chairman. I have a very large contingent here, as you have witnessed.

Senator INHOFE. As you introduce them, I will ask them to stand up until you finish your introductions.

Ms. O'NEILL. Certainly.

Senator INHOFE. Start with mama.

Ms. O'NEILL. My mother, Pam O'Neill, is present; my aunts and uncles, Kate and Chuck Wall from Lynchburg, VA; Amelia Kriz from Annapolis, MD; and my brother surprised me by flying in last night with my oldest nephew, so Ted and Kieran O'Neill are here from Seattle, WA. And I thank them for coming.

Senator INHOFE. Well, thank you all for coming in, and you can be very, very proud of Ms. O'Neill today.

Why don't we go ahead and, before we start, let me just—is Nils Diaz here in the audience? I thought he might be here, but he is not. I was going to make—in fact, I will make a comment about him. He has had 10 years of great service. The changes that we advocated back when I mentioned that there had not been a hearing in 12 years, he was primarily responsible for all of the improvements that we have experienced. I want to pay special tribute to him now for his 10 years of service. He has decided to step down, and he has been a great asset, too, to this committee and to the whole system that we are talking about and addressing today.

Why don't we start, ladies first, and if you would start with your opening statement. I think we will be joined by other members coming back from voting. Unfortunately, we do have other votes that are coming back, one of which is one of my amendments, so we will have to kind of wade through this.

Ms. O'Neill.

STATEMENT OF MOLLY O'NEILL, NOMINATED TO BE AN ASSISTANT ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

Ms. O'NEILL. Thank you, Mr. Chairman. Mr. Chairman and Mr. Jeffords, if he were here, I would extend my——

Senator INHOFE. He will be right here.

Ms. O'NEILL [continuing]. And distinguished members of the committee, it is both a privilege and honor to come before you as President Bush's nominee to be the Assistant Administrator for the Office of Environmental Information and Chief Information Officer for the U.S. Environmental Protection Agency. I have environmental program and information technology experience, and also a passion for ensuring environmental decisions and policy are based on defensible data.

I come from a strong and supportive family. I would like to take this opportunity to thank the members of my family, as well as my friends and colleagues, for their continuing support.

All of my professional experience is rooted in supporting environmental protection. I began my career collecting environmental samples, visited dozens of industry facilities and reviewed countless analytical results. I spent 8 years working with State environment department leaders to improve their business to redesigning their business processes and incorporating technology without compromising the integrity and outcome of the programs.

Over the past 4 years, I served as the State Director of the National Environmental Information Exchange Network. I know my reputation on developing the partnerships in the States, collaborating with EPA, and working with new technologies on this project is one of the reasons I am before you today.

In my testimony today, I would like to share my thoughts on managing information at the Federal and environmental levels. The Federal Government is comprised of more than 100 agencies and thousands of subagencies and programs. The complexity of relationships with other levels of government, as well as the private, non-profit, and university sectors, is daunting and system communication barriers continue to exist.

Given these complexities, the challenge is how we use information technology to better serve the government and the American citizen. The President's Management Agenda, through the advancement of the Federal Enterprise Architecture, is the blueprint for how agencies can share data better in the future.

I believe that CIOs at all levels of government must align investments to create system interoperability required to provide the American public with government services, especially in times of crises. The prospect of the Federal Government providing leadership on interoperability is one of the most profound actions it can take in this decade. It will also take strong leadership and a willingness to share and adopt best practices, tools, and systems between Agencies.

With respect to environmental data, I am fortunate that EPA has built a strong foundation with three major programs, namely, Environmental Indicators, the National Environmental Information Exchange Network, and Enterprise Architecture.

The Assistant Administrator for the Office of Environmental Information has the responsibility to ensure environmental data is shareable and accessible, quality is not compromised, systems are secure from today's threats, and data can be turned into meaningful information. The foundation has been set and great strides have been made. That said, for EPA to be more responsive to the American public's questions on the environment, progress needs to continue in all of these programs I mentioned.

If confirmed, I will focus on improving data quality and access to environmental information. It is my vision that scientists will make decisions based on historical and real time data. Government Agencies will have access to environmental data in daily processes, as well as in times of national emergencies.

I grew up part of a military family. My late father, Lieutenant Colonel Vincent O'Neill, was a first generation Irish American who graduated from the U.S. Naval Academy and served proudly for more than 20 years as an officer in the U.S. Marine Corps. He was a highly decorated war hero, serving two tours on the ground in

combat in Vietnam. When I became an adult, he shared his belief with me that every citizen should perform some type of service to his country, whether it is military, government, or public. Giving back makes this country great. Even though I have worked in the private sector for most of my career, I want you to know I believe in my father's philosophy.

I am now ready, enthusiastic, and committed to this opportunity to serve. I am confident that I can utilize my experience and leadership skills to advance the Agency in meeting the challenges and opportunities that lay ahead. If confirmed, I intend to support the President's E-Government agenda. I will also support Administrator Johnson in accelerating the pace of environmental protection while maintaining our Nation's economic competitiveness. If confirmed, I look forward to working with this committee, Members of Congress, and Administrator Johnson to improve the environment and to be responsive to information needs.

Thank you for the opportunity to appear here today. I would be happy to take any questions.

Senator INHOFE. Well, thank you, Ms. O'Neill. Don't ever apologize for having experience in the private sector; that is one of the things I like about both nominees today, you have had that experience. Thank you.

Dr. Klein.

STATEMENT OF DALE KLEIN, NOMINATED TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

Mr. KLEIN. Thank you, Mr. Chairman, Ranking Member Jeffords, and committee members, it is an honor to appear before you today as President Bush's nominee for the Nuclear Regulatory Commission.

In addition to thanking my wife for coming today, I would also like to thank Senator Hutchison for her introduction.

The current Commissioners have laid substantial groundwork to help prepare the Nuclear Regulatory Commission for the challenges it faces in the coming years. Challenge is the appropriate word. The next several years will be perhaps the most significant in decades in terms of regulating the civilian use of nuclear materials.

This challenge is all the more important when viewed through the lens of what is happening in the energy arena. The global energy supply can affect both the U.S. economy and U.S. interests. Oil and natural gas prices are at levels never seen before. There are forecasts that U.S. energy electric demand will rise by 50 percent in just over two decades. Clearly, nuclear energy has a role to play in meeting that demand.

The charge of the Nuclear Regulatory Commission is to "license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of the public health and safety, promote the common sense and security, and protect the environment."

In meeting that mission, regulatory stability is a crucial element. The NRC must clearly define the requirements. It must respond in a timely manner. I believe the groundwork laid by the Commission will be the key to providing the necessary regulatory stability.

The challenges ahead for the NRC are substantial: dealing with the impending wave of applications for new reactors, overseeing their construction, and simultaneously ensuring the existing plants receive high standard of regulatory oversight set by the NRC is extremely important. The already high security of nuclear facilities must be maintained.

There is a challenge to the Agency of dealing with a potential application by the Energy Department for a high level waste repository. Both this committee and the Appropriations Committee have been very supportive of the Commission. Continued support will be essential to help ensure that the licensing process moves smoothly. If confirmed, you have my assurance I will work closely with you and members of this committee on these issues.

Ensuring that the current fleet of commercial nuclear powerplants receive the proper level of scrutiny during the coming decade, as new plants are licensed and built, will require a continued focus by the NRC on quality oversight. If confirmed, I can assure you that I intend to see that the lessons learned from the past are institutionalized in the NRC.

Mr. Chairman, members of the committee, while much of my background is technical in nature, I am an experienced administrator who believes in milestones and deliverables. My goal is to make sound decisions, based on sound science and sound public policy. If confirmed, I look forward to working with this committee and the challenge of being an NRC commissioner.

This concludes my statement, and I look forward to your questions.

Senator INHOFE. Well, thank you. Thank you, Dr. Klein.

I will go ahead and start with questions. One of the Senators in opening statements made the comment there are some nine applications. I think there are actually more than that right now. A sense of agreement that we seem to have on a bipartisan basis is that we are not going to really resolve our energy crisis in this country without the nuclear component. We have said it many times and I know that has a lot of popularity. It wasn't always the case, but it is now. It is looked upon as being safe, clean, and abundant and inexpensive. So speaking for myself, and I am sure others share this same notion, we want to get there as quickly as possible.

You are stepping in at a time, and particularly in the position you are going to be in, when there are going to be a lot of applications to deal with, and I would like to get a pretty good idea from you as to your timing. I know this is all new to you right now, but maybe that is good. Maybe you can look at it with less of a bureaucratic view. What kind of timing do you think you could put on some of these applications? Do you have some general ideas you can discuss with us?

Mr. KLEIN. Well, Mr. Chairman, having been regulated in the past as a licensee, I think it is very incumbent upon the Nuclear Regulatory Commission to establish clear requirements and then to respond in a timely manner. One of the issues that I think the Nuclear Regulatory Commission can do that will help expedite difficulties in the past is to have standardized processes, both the environmental site issues and also a standardized plant process. With those two issues, I believe that the Nuclear Regulatory Commission

can expedite license applications with no compromise on safety and ensure public confidence.

The current guidelines that the Nuclear Regulatory Commission staff has indicated is that if they have a complete application, they believe they can review an application in 30 months. What I would like to see is once that process is completed, I would like to look carefully at the decisions made by the Nuclear Regulatory Commission to see what process improvements can be made to make that on a more timely manner with no compromise on safety.

Senator INHOFE. Like what?

Mr. KLEIN. I think one of the issues would be to look at a concept called lean six sigma, where you look at lean issues to make sure that all the processes that you do are risk-based; that you look at the big issues; that you don't get caught up, so to speak, down in the weeds; that you look at the important issues, give clear guidance; and you have a trained staff that will respond quickly and appropriately.

Senator INHOFE. Yes.

Mr. KLEIN. So I think looking at all the requirements is——

Senator INHOFE. Well, here is what I would like to do, not here at this meeting, but after you get settled in, just because you all know so much more about this than I do. I would like to see kind of a little calendar of events on things and reasonable expectations when different things can be done, reviews and hearings and whatever goes into the process, so that maybe we can visit, maybe even have a hearing on this as to how we can expedite this. I think it is very important that we do it as quickly as possible.

You commented on a risk-based approach, and I had a question on that, but you covered that, I think, in your opening statement.

Security at nuclear facilities is something that we have always been concerned about here, and I would ask if you agree that it is important that there be a clear distinction of responsibility in protecting these facilities between the licensee, State, local, law enforcement, and Federal Government.

Mr. KLEIN. Mr. Chairman, security is very important at nuclear plants because they are perceived to be a target. From my current position at the Department of Defense, I am responsible for the nuclear security of other nuclear assets that the Government has, so we have a very comprehensive program, and I believe that your comment is very appropriate.

There should be certain requirements that the utilities have to provide. Once that level is exceeded, then the State and also the local enforcements should pick up the responsibility, and then finally the Federal Government. So it has to be a shared responsibility where the private industry, the local, State and Federal Governments are involved.

Senator INHOFE. Well, thank you. That is good. I had an opportunity to visit with both of you in my office and most of my questions were answered. You used a term. See, I have to call you Molly. It sounds wrong, but I was telling your mama that I have both a daughter and a granddaughter named Molly, so it just makes me happy. I am the Chairman, so I can do that.

[Laughter.]

Senator INHOFE. Is that Senator Clinton?

Senator CLINTON. Yes, sir. Some of the names——

[Laughter.]

Senator CLINTON. I think that is good.

Senator INHOFE. I particularly liked one of the phrases you used. You said decisions made on defensible data. One of the things that bothers me more than anything else is all the—we are inundated with flawed science in this committee, and it comes from all directions. People with their own agenda, they want to believe in some outcome, so they doctor up the science so it agrees with their particular philosophy.

I would ask you, first of all, if you are in this position, when you are confirmed, if you will make every effort to analyze data, analyze information, and where it is not accurate, to come forth and be very honest about that. Any thoughts about that?

Ms. O'NEILL. Yes, sir, Mr. Chairman. You may call me Molly any time you want.

Senator INHOFE. All right. I appreciate that.

Ms. O'NEILL. Data quality is a really important thing to me, and if I am confirmed, that is one of the focus areas for me. I know, having worked with scientific reports and working with State environmental agencies, it is a real struggle, and it is a struggle not unique to necessarily the environmental business, per se, but for all science-based work.

Part of that is because we sort of have a history of paper files and we have a history of moving data around a little bit in different ways, and we really have had a lack of data standards on the environmental side up until about 5 years ago, when we started to really collaborate (the States and the EPA and the tribes) on data standards. I will tell you that if I am confirmed, that will be a focus, because as a scientist myself, I struggle with it and I care about it.

Senator INHOFE. That is good. I appreciate that.

Oh, that is right, I forgot about the required questions. I will ask each of you to respond so that we can get you recorded.

Are you willing to appear at the request of any duly constituted committee of Congress as a witness?

Mr. KLEIN. Yes.

Ms. O'NEILL. Yes.

Senator INHOFE. Do you know of any matters which may or may not have thus far been disclosed that might place you in any conflict of interest if you are confirmed to this position?

Ms. O'NEILL. No.

Mr. KLEIN. No.

Senator INHOFE. OK. Very good.

Senator Jeffords.

Senator JEFFORDS. Ms. O'Neill, in your testimony you stated that "If confirmed, I will focus on improving data quality and access to environmental information." As you know, the EPA recently proposed converting the annual toxic release corporate disclosure requirement into an every other year report and allowing thousands of facilities to withhold details of their pollution volumes and waste management practices.

Based on what you know about EPA's Toxic Release Inventory proposal, do you support this rule? In particular, would you withdraw this proposal if confirmed?

Ms. O'NEILL. Senator Jeffords, thank you for the question. I believe right now the EPA is considering and engaging stakeholders on the concept of alternate year reportings, but it has not been proposed as a rule yet. I will tell you I am an advocate for community right-to-know. I think the program has been phenomenally successful and I think the data points to it.

It is a good program for a couple of reasons. One, it provides data to the American citizens that they need and their communities, and the second is it really holds industry accountable and allows them to gauge how they are doing from a pollution prevention perspective. So it is a very important program.

So as EPA moves through the stakeholder involvement process, I am sure that they will be obtaining comments on this proposed option for changing the rule. I can tell you that, if I am confirmed, I will work with you and this committee to understand the issues here, engage a lot of stakeholders in this, because this really is important before moving ahead. I do believe it is important and I do believe in the Community Right-to-Know Act, and I do believe it needs external stakeholder, citizen, regions, and State input before moving forward.

Senator JEFFORDS. Ms. O'Neill, I have expressed my concern about the President's fiscal year 2007 budget proposal, which reduces funding for the EPA library network. Should this proposal be enacted, what are your plans to preserve and ensure access to the 25,000 maps, 3.5 million microfilm objects, and the more than a half million books and reports currently housed at the 28 libraries nationwide that will either close or experience severe cutbacks?

Ms. O'NEILL. Senator Jeffords, the first time I actually became aware of this is when I read an article in the Washington Post this week about the funding cut for the libraries, and, to be honest with you, I really don't know, from an EPA perspective, where the budget comes from in terms of what compromise the entire universe of EPA libraries, whether it is a portion here, a portion there, so it is hard for me to comment on the actual specific funding cut per se.

But I will tell you that I have been a consumer of these library services when I was in the private sector. I went to them, I used the technical documents and maps. It was important service.

So moving forward, the other key to this is the recognition that we can take technical documents and make them available online, and clearly, as a person with a technology background, I support making things available online because it does provide more access to those reports in many ways. Instead of having one person or two people checking out those documents, you could have 100 people looking at those documents at the same time.

That said, there is an element to this that often technologists forget, which is the human factor. Not everyone has access to online capabilities, yet, they need access to the reports. So if I am confirmed, I will look at this issue to make sure that the average scientist, the average citizen who needs access to these things, the average consultant out there who needs to use these to make deci-

sions will have those same rights and abilities to look at that information.

Senator JEFFORDS. Thank you.

Dr. Klein, some have argued that the NRC should limit access to security information at powerplants across the board, even when such information is not classified. Do you believe the NRC should limit public disclosure of non-safeguarded security information?

Mr. KLEIN. Senator Jeffords, I think we have to be careful about what information we provide to the public and for potential use by terrorists. But if it is not safeguarded, if there is not a security issue and a safety issue, I believe the policy of the Nuclear Regulatory Commission should be one of openness.

Senator JEFFORDS. Thank you.

Senator INHOFE. All right, well, thank you, Senator Jeffords. You will have an opportunity to ask other questions.

Senator Clinton, if you would like to include an opening statement at this time, feel free to do so.

Senator CLINTON. Thank you very much, Mr. Chairman. I will just submit a statement for the record, if that is appropriate.

I want to thank Dr. Klein and Ms. O'Neill for being here today.

Dr. Klein, thank you for meeting with me yesterday. It was one of those meetings on the run because I had to go vote, and you were a great sport to kind of run down the hall with me and jump in the elevator and go over to the Capitol.

As we discussed, Indian Point, the nuclear powerplant near where I live in New York, has been a steady stream of mishaps and bad news since September 11th. Just in the last year we have had repeated failures of emergency sirens, leaks of contaminated water from spent fuel pools, and other problems. Yesterday we had a report about a worker onsite who had been exposed to a radiation dose above regulatory limits.

Now, all of these issues erode public confidence in Indian Point, in the Nuclear Regulatory Commission, and because of the high profile of the plant, being so close to the major media market in the world, it undermines confidence in nuclear power in general. So I have consistently pushed the NRC and the plant owner to do a better job.

You know, my first concern is obviously the safety and peace of mind of my constituents. But I also believe that the NRC needs to assert itself more at Indian Point and elsewhere if we expect to be able to move forward with new nuclear plant applications in our country, because I think, as the Chairman pointed out, there are applications waiting; there are a number of reasons why nuclear power is being seen as a more favorable potential source of energy, because of climate change concerns, primarily. But it is also clear that there are unresolved safety, cost, waste, and proliferation issues, and we have to get ahead of these because, otherwise, I think whatever potential benefit there could be from nuclear power will be derailed.

That is why I continue to believe that an independent safety assessment along the lines that I have proposed in my legislation with respect to Indian Point is in everybody's best interests. That idea is also supported on a bipartisan basis by a number of my House colleagues who represent districts in the vicinity of Indian

Point, as well as local elected officials, again, both Democrats and Republicans.

This independent safety assessment would result in an extremely thorough review of the plant's operations, as well as its evacuation plans, which any person that looks at the potential for evacuation from the area surrounding Indian Point reaches the conclusion that there is just no way to do it. This is hilly terrain, narrow roads, isolated areas that would be difficult to evacuate.

So I was pleased when Chairman Diaz, sitting where you are, Dr. Klein, made a commitment to me at the last EPW Committee oversight hearing that the NRC would conduct an enhanced inspection at Indian Point. But as I mentioned yesterday, the information that I have received from the NRC thus far is unsatisfactory. The March 28 letter I received from Chairman Diaz was vague; it did not address the issue of emergency preparedness in any effect. I wrote back on April 3d expressing my dissatisfaction with the response and asking for more details about what the NRC is in fact proposing to do. I am still waiting for a reply.

So what I want from you today is a commitment to help provide specific information about what the NRC has planned at Indian Point, and a commitment to work with me and my congressional colleagues and local officials whom I represent to work out a plan for enhanced oversight that will address legitimate public concerns about safety, emergency planning, and evacuation. We really need to develop a plan that everyone can support.

So, Dr. Klein, would you commit to working with me to develop a plan for an assessment at Indian Point that covers safety, emergency planning, and evacuation?

Mr. KLEIN. Well, Senator Clinton, I think you brought up some very good points. I think it is very important for the Nuclear Regulatory Commission to have credibility among the general public. If confirmed, I will certainly work with you to make sure that we address the needs and concerns that you have. I think it is very important to realize that the Nuclear Regulatory Commission should have those practices and policies for all of their plants, including Indian Point. So I think it is very important that the Nuclear Regulatory Commission have policies and procedures to work with all of our constituents, and certainly those members of this committee that have facilities in their State.

So what I often times tell people when issues come up, there are usually three reasons: communication, communication, and communication. So I intend to, if confirmed, meet with members of this committee often, meet with all of the public in areas for which nuclear plants are located to find out what issues are on people's minds, and what we can do to ensure their confidence that the Nuclear Regulatory Commission is doing their job.

Senator CLINTON. I thank you very much for that response, Dr. Klein.

Mr. Chairman, I think this is an important part of putting together any approach to additional nuclear plant sightings. We have to be sure that the NRC has the staff, has the expertise, has the communication skills, the technical abilities that will be necessary to really answer questions and build confidence in this approach.

So I appreciate Dr. Klein's answers and I look forward to working with you.

Senator INHOFE. Thank you, Senator Clinton. If you have any further questions—there are just three of us—feel free to take some more time. Would you?

Senator CLINTON. I would appreciate that, Mr. Chairman.

Senator INHOFE. All right. Go ahead.

Senator CLINTON. Because I wanted also to associate myself with the remarks of my colleagues earlier with regard to the EPA's proposed changes to the Toxics Release Inventory, and I appreciate your response, Ms. O'Neill. As I understand it, the EPA is justifying this rule change on the grounds that it will be, "a burden reduction" for some companies. But based upon the numbers that the EPA sent in response to an information request from this committee, it appears that the average cost saved for businesses is about $2.32 a day for one part of the rule and $2.83 for the second part.

So I think that if you are looking at any cost benefit analysis, withholding, hiding you could even say, details of thousands of pounds of chemicals, some of which we know are carcinogens, from citizens really does undermine what has been the trend over the last 30 years, which you very eloquently supported, the right to know.

I feel strongly about this because I am convinced that we, in the next decade, will turn our attention much more aggressively to understanding the environmental connections between illness and exposures. We obviously know that, you know, exposure to lead leads to lead poisoning, which has terrible impacts on children's IQ and their behavior and so much else. We know that we can trace specific problems with mercury. We know that.

But what we don't know is all of the impact of these chemicals. We certainly don't know the impact of their combinations. I have a particular interest in this because, post-9/11, we are seeing the results of the exposures from ground zero. When the World Trade Center and the nearby buildings collapsed, they released into the atmosphere millions and millions of tons of all kinds of contaminants, we know asbestos, PCBs, everything you can imagine that was there.

I think we were really inadequate in our response. The EPA, in my view, mislead my constituents by saying that the air was safe, and we now have a very high percentage of firefighters, police officers, emergency workers, construction workers and others who are suffering from severe respirator distress of all kinds. In fact, we just had recently an autopsy on a 34-year-old New York City police detective who died and the New Jersey coroner said it was related to the exposures that he encountered.

So obviously, that is an acute example of what I am concerned about. But every single day we are exposed to things. We have no idea what they are doing to our chromosomal makeup, what they are doing to our lungs. I mean, we just don't know.

So I am heartened by the fact that you agree the public does have a right to know, and I hope that you will really take a hard look at this step backwards, because we should be moving forward and we should figure out a way that we can do that in an appro-

priate risk-based analysis, cost-benefit analysis. But let us not withdraw information or withhold and hide information, because I think citizens deserve to have it and, increasingly, researchers, physicians, public health officials, others who are trying to sort out all these chronic diseases we are suffering from need to have it as well.

So could I just one more time hear a commitment to working with us to try to figure out what it is we are breathing and drinking and being exposed to as we move forward?

Ms. O'NEILL. Senator Clinton, you certainly have my commitment, if I am confirmed, to sit down with you and talk to you about these issues. I do think they are very important, and I actually share your passion for linking environmental data to health effects and indicators.

I personally have been working on some of those issues through the National Environmental Information Exchange Network, actually sharing environment data with health departments at the State level so that we can look at these trends for birth defects and things like that. So it is a passion of mine as well. I really think that that is what science is about, protecting the environment. It also is the link to the human health aspect of it, and that is why access to data is so important.

Senator CLINTON. Well, I appreciate your passion, because you know, I mean, it is something that I feel so strongly about. You know, I think we need to get ahead of this because you mentioned birth defects, and we don't collect the data in the right way. We often collect health data and we look at it geographically. We don't look at it occupationally, for example.

We are starting to see some compelling evidence about some of the linkages between everyday chemicals that people work with and birth defects at a much higher than expected rate among the children of those people in various professions and occupations. So I really appreciate that and I look forward to working with you.

Thank you, Mr. Chairman.

Senator INHOFE. Thank you, Senator Clinton.

Senator Jeffords, do you have any more questions for either of the witnesses?

Senator JEFFORDS. Yes.

Dr. Klein, if you are confirmed, during your service, the NRC may proceed to process a permit for the Yucca Mountain Project. Doing so would require adding new expertise to the Commission that it has not traditionally had. Will you share with the committee your thoughts on that issue?

Mr. KLEIN. Well, Senator Jeffords, I think any time you have a regulatory body like the Nuclear Regulatory Commission, it is extremely important to have a very technically qualified staff to be able to review and evaluate the issues both for Yucca Mountain and for reactor safety. Obviously, from the NRC's perspective, they have not received a license application from the Department of Energy, but, if confirmed, I would hope that the NRC would be able to respond to a timely application with the right qualified individuals from the Nuclear Regulatory Commission.

Senator JEFFORDS. Thank you.

Ms. O'Neill, when EPA issued its State of the Environmental Report in 2003, concerns by the White House prompted the EPA to remove the section discussing the risks of global climate change. As the President's nominee to head EPA's Office of Environmental Information, how would you respond to an effort by political leaders to alter data provided by EPA's scientists?

Ms. O'NEILL. Senator Jeffords, I appreciate the question. I was not involved in developing the first State of the Environment Report, as you might know, since I didn't work at EPA, but I thought it was a very good first attempt. I really can't comment on whether climate change or global warming was taken out. I really wasn't involved in that, so I really don't have a comment on it. But I can tell you, if I am confirmed as the Assistant Administrator for Environmental Information, I will support the Agency in making sure that we have the data available to report out on indicators such as climate change.

Senator JEFFORDS. Thank you.

Senator INHOFE. OK, well, thank you, Senator Jeffords. Thank you, Molly and Dr. Klein, for the time that it has taken for you to be here and having your family here. We appreciate it very much. It has been an excellent hearing. I would say this. Normally, we have a few more people show up, but we have a lot of anxiety taking place on the floor right now, and I think you understand that.

So we are adjourned.

[Whereupon, at 10:50 a.m., the committee was adjourned.]

[Additional statements submitted for the record follow:]

STATEMENT OF MOLLY ANN O'NEILL, NOMINATED TO BE ASSISTANT ADMINISTRATOR, OFFICE OF ENVIRONMENTAL INFORMATION, ENVIRONMENTAL PROTECTION AGENCY

Mr. Chairman, Senator Jeffords, and distinguished members of the Committee. It is both a privilege and honor to come before you as President Bush's nominee to be the Assistant Administrator for the Office of Environmental Information and Chief Information Officer for the United States Environmental Protection Agency. I have environmental program and information technology experience and also a passion for ensuring environmental decisions and policy are based on defensible data.

I come from a strong and supportive family. I am proud to introduce my mother, Pam O'Neill, and my aunts and uncles, Chuck and Kate Wall and Carey and Amelia Kriz, who are here supporting me today. I would also like to take this opportunity to thank the members of my family as well as my friends and colleagues for their continuing support.

All of my professional experience is rooted in supporting environmental protection. I began my career collecting environmental samples, visited dozens of industrial facilities and reviewed countless analytical results. I spent 8 years working with State environmental department leaders to improve their business by redesigning their business processes and incorporating technology without compromising the integrity and outcome of the programs. Over the past 4 years, I served as the State Director of the National Environmental Information Exchange Network. I know my reputation on developing the partnerships in the States, collaborating with EPA, and working with new technologies on this project is one of the reasons I am before you today.

In my testimony today, I would like to share my thoughts on managing information at the Federal and environmental levels. The Federal Government comprises more than 100 agencies and thousands of subagencies and programs. The complexity of relationships with other levels of government as well as the private, nonprofit, and university sectors is daunting and system communication barriers continue to exist.

Given these complexities, the challenge is how we use information technology to better serve the government and the American citizen. The President's Management Agenda, through the advancement of the Federal Enterprise Architecture, is the blueprint for how agencies can share data better in the future. I believe that CIOs

at all levels of government must align investments to create system interoperability required to provide the American public with government services, especially in a crisis. The prospect of Federal Government providing leadership on interoperability is one of the most profound actions it can pursue in this decade. It will also take strong leadership and a willingness to share and adopt best practices, tools, and systems between Agencies.

With respect to environmental data management, I am fortunate that EPA has built a strong foundation with three major programs, namely Environmental Indicators, the National Environmental Information Exchange Network, and Enterprise Architecture.

The Assistant Administrator for the Office of Environmental Information has the responsibility to ensure environmental data is sharable and accessible, quality is not compromised, systems are secure from today's threats, and data can be turned into meaningful information. The foundation has been set and great strides have been made. That said, for EPA to be more responsive to the American public's questions on the environment, progress needs to continue in all of the programs I mentioned.

If confirmed, I will focus on improving data quality and access to environmental information. It is my vision that scientists will make decisions based on historical and real time data. And, Government Agencies will have access to environmental data in daily processes as well as in times of national emergencies.

I grew up part of a military family. My late father, Lt. Col. Vincent O'Neill, was a first generation Irish American who graduated from the U.S. Naval Academy and served proudly for more than 20 years as an Officer in the United States Marine Corps. He was a highly decorated war hero serving two tours on the ground in combat in Vietnam. When I became an adult, he shared his belief with me that every citizen should perform some type of service to his or her country—whether it is military, government, or public. Giving back makes this country great. Even though I have worked in the private sector for most of my career, I believe in my father's philosophy.

I am now ready, enthusiastic and committed to this opportunity to serve. I am confident that I can utilize my experience and leadership skills to advance the Agency in meeting the challenges and opportunities that lay ahead. If confirmed, I intend to support the President's E-Government agenda, and I will support Administrator Johnson in accelerating the pace of environmental protection while maintaining our Nation's economic competitiveness. If confirmed, I look forward to working with this Committee, Members of Congress, and Administrator Johnson to improve the environment and to be responsive to information needs.

Thank you for the opportunity to appear before you today. I am happy to take any questions.

RESPONSES BY MOLLY O'NEILL TO ADDITIONAL QUESTIONS FROM SENATOR JEFFORDS

Question 1. On January 13, 2006, EPA provided information that I requested on the potential implications of EPA's proposed changes to the Toxic Release Inventory program. EPA's responses were based on the most current information available, the 2003 report year data. Data is now available from the 2004 reporting year. As such please update EPA's response to my November 10, 2005 letter, using the 2004 reporting year data.

Response. Below you will find the information you requested based on the 2004 TRI data that was not available when Ms. O'Neill responded to the Committee's earlier questions on May 22, 2006.

Because the data are extensive, we are providing a very short summary paragraph in answer to each of the four questions. (Please note: the Excel file attached contains four separate "sheets"—one for each of the four questions posed that totals 500 pages in length.)

Assuming these analyses are intended to project the impacts of the proposed rule issued on October 4, 2005, please be aware that EPA cannot predict such impacts with absolute certainty because the proposal did not affect the general 1-million-pound limit on manufacture, process, or use of the chemical imposed for those who use Form A. This information is not reported to EPA, and so we are unable to predict whether a given facility meets the criterion. Further, experience has shown that many facilities that are eligible for Form A choose instead to use Form R for various reasons.

For ease of reference, please note: The enclosed CD–ROM labeled Molly O'Neill Confirmation QFR, contains several data files. Within the file titled "Jeffords Update with 2004 TRI Data" there are four tables. Each table corresponds to one of the questions posed below. "Table 1—Additional Facilities that could have used

Form A if proposed rule were in affect" responds to Question 1. Table 2—"Facilities that Reported Releases of TRI Chemicals Classified as known or probable Carcinogens in IRIS or NTP 11th Report on Carcinogens" responds to Question 2. "Table 3—Facilities Report of at least one PBT chemical with total annual reportable quantities <500 lbs., but no releases" responds to Question 3. Table 4—"500 pounds but <5000 lbs. production related waste for 2004; greater than reported for the same chemical for 2000", responds to Question 4. [The CD–ROM is retained in Committee's file.]

(1) Request: A state-by-state list of the facilities that reported releases of at least one chemical between 500 and 4,999 pounds in production-related waste in 2004, and their TRI releases, by chemical, to each environmental medium.

The requested list on Table 1, under Jeffords Update with 2004 TRI Data. For 2004, 6,284 facilities filed 11,707 Form R reports for approximately 294 individual TRI chemicals or chemicals listed in TRI chemical categories (e.g., chromium compounds) that reported >500 pounds, but ≤5,000 pounds of production-related waste.

(Note: Persistent, Bioaccumulative, and Toxic (PBT) chemicals are not included in the attached analysis for this request since the proposed regulation requires that PBT chemicals have less than 500 pounds of production-related waste in addition to having zero releases to change from Form R to Form A reports.)

(2) Request: Of the facilities listed in response to question 1, a state-by-state list of any facilities that reported releases of chemicals that are classified as known or probable (likely) carcinogens in EPA's Integrated Risk Information System or the U.S. Department of Health and Human Services National Toxicology Program's Eleventh Report on Carcinogens.

Of the 6,284 individual facilities and approximately 294 chemicals identified under Request 1 above, 1,360 of these facilities (about 22 percent) filed a total of 1,517 Form R reports for 56 individual TRI chemicals or chemicals belonging to a TRI chemical category that are currently classified as known or probable (likely) carcinogens in either EPA's Integrated Risk Information System (IRIS) database or the U.S. Department of Health and Human Services National Toxicology Program's Eleventh Report on Carcinogens. The full results of the analysis are presented in Table 2.

(3) Request: A state-by-state list of facilities that reported at least one chemical of up to 500 pounds of persistent, bioaccumulative production-related waste in 2004, and their TRI releases, by chemical, to each environmental medium.

For 2004, 1,809 facilities (less than 9 percent of all facilities that filed Form R reports in 2004) filed 2,394 Form R Reports for at least one TRI-listed PBT chemical (other than dioxin or a dioxin-like compound) for which there were no releases to air, land or water, and for which quantities in production-related waste (i.e., quantities recycled, used for energy recovery, or treated for destruction) were 500 pounds or less. The results of this analysis are presented in Table 3 of the attached file.

(Note: EPA analyzed only those reports that showed 0 pounds of "releases and other disposal" and 500 pounds or less of "other waste management"; i.e., quantities recycled, used for energy recovery, or treated for destruction, in order to provide results consistent with the regulatory proposal, which would require zero releases for PBT chemical reports to be submitted on Form A rather than Form R. In addition, the analysis does not include dioxin and dioxin-like compounds because they are excluded from the changes in the proposed rule.)

(4) Request: A state-by-state list of facilities that reported at least one TRI-tracked chemical between 500 and 4,999 pounds in production related waste in 2004 at greater quantities than the company reported in the 2000 TRI. Please indicate the percentage increase.

Of the 23,675 individual facilities that filed at least one report (Form R or Form A) to EPA for the 2004 reporting year, 2,284 (about 10 percent) reported quantities between 500 and 5,000 pounds in total production related waste for at least one TRI-listed chemical that were greater than the quantities that the same facilities reported for the same chemicals for reporting year 2000. The detailed results, including the percentage increase of these quantities, are presented in Table 4 of the attached file.

Total production related waste consists of quantities disposed of, or otherwise released into the environment; recycled; used for energy recovery; or treated for destruction. While these facilities reported increases in total production related waste from 2000 to 2004, these increases do not necessarily mean increases in environmental releases of TRI chemicals—they could also be attributed to increases in quantities recycled, used for energy recovery, or treated for destruction.

(Note: The analysis does not include PBT chemicals, because PBT chemicals would be ineligible to switch to Form A unless the report showed zero pounds of releases and total production related waste was less than 500 pounds.)

Question 2a. The Toxic Release Inventory program includes data on toxic releases that are not related to production activities, such as accidents, spills or periodic activities like maintenance or equipment rebuilding (currently reported as "non-production toxic waste"). Is this correct?

Response. Yes, the TRI information includes quantities (from Section 8.8 of the TRI Form R) that shows the quantity released to the environment as a result of remedial actions, catastrophic events, or one time events not associated with production processes.

Question 2b. If EPA's TRI proposal is promulgated as a final rule, would industrial facilities still disclose the same amount of information on releases of non-production waste?

Response. If EPA's proposal of October 4, 2005 is promulgated as a final rule, facilities would continue to provide this information on Form R. In that proposal, EPA specifically asked for comment on whether the Section 8.8 amounts should count towards the amount used to determine eligibility for Form A. The Agency is considering comments on that issue and will make a decision as part of the final rule.

Question 2c. The Toxic Release Inventory program includes data on toxic releases that are not related to production activities, such as accidents, spills or periodic activities like maintenance or equipment rebuilding (currently reported as "non-production toxic waste"). Please provide information regarding the number of facilities, by state, that reported releases of non-production toxic waste and the chemicals and volumes involved, using data from the most recent reporting available (2004 data).

Response. Please find on the CD–ROM the document titled "Jeffords Facilities Reporting Non-Production Waste." [The CD–ROM is retained in committee's file.]

Question 3. Aside from the TRI database, are there other centralized, publicly accessible national databases that contain information on annual toxic releases? If so, are these databases comparable in scope and specificity? Please explain any differences.

Response. EPA maintains several data systems that contain some information on releases of toxic chemicals. The various data systems vary in terms of scope of chemicals covered and frequency of reporting.

EPA has provided a chart that summarizes the various systems and their attributes:

Release and Transfer Databases

Database	Toxics Release Inventory (TRI).	National Emissions Inventory (NEI).	Permit Compliance System (PCS).	Biennial Hazardous Waste Report (BR)
Type of information	Release and waste management data.	Release (emissions) data.	Release (discharge) data.	Waste generation and management data
Media	Air, land, water	Air	Water	Land (direct measures only available for wastes disposed of in landfills)
Reporting Frequency	Annually	Every 3 years (triennially).	Varies (monthly, quarterly, or annually).	Biennially
Sources of data	Facilities covered under EPCRA Section 313.	Various sources: mostly estimates from state and local agencies; TRI is one source.	Facilities regulated by NPDES under the Clean Water Act.	Individual generation sites and TSDFs regulated under RCRA Sections 3002 and 3004 (large generators only)
Basis for estimates	Emissions factors, mass balance calculations, engineering estimates, monitoring data.	Emissions factors, mass balance calculations, monitoring data.	Monitoring results are submitted by facilities to the permitting authority in discharge monitoring reports.	Hazardous waste manifest forms and operating records.

Release and Transfer Databases—Continued

Chemical coverage/ thresholds.	666 toxic chemicals and chemical categories; Manufacturing: 25,000 lbs./yr.; Processing: 25,000 lbs./yr.; Otherwise use: 10,000 lbs./yr.; lower thresholds for PBT chemicals.	All criteria air pollutants (CAPS) and their precursors and all hazardous air pollutants (HAPs); about 520 chemical compounds in all.	Pollutants of three different types: five conventional, 126 priority toxic pollutants, and non-conventional pollutants (pollutants cannot always be mapped to specific chemicals).	Reporting by ''wastestreams'' consisting of one or more RCRA hazardous waste codes (565 waste codes in all, some corresponding to chemicals, some not)
Industry coverage	Only certain SIC codes are covered, facilities must have >10 FTEs.	All major industrial sources and nonpoint sources.	Any point source discharging a pollutant into waters of the United States.	Large quantity generators (LQGs)[1] and permitted treatment, storage and disposal facilities (TSDFs)
Accessibility	Available on the Internet through EPA's Envirofacts and TRI Explorer, as well as TOXNET and RTKNET.	Data files are available on EPA's Emissions Inventory Web page and can be imported into any database program.	Available on the Internet through EPA's Envirofacts and ECHO systems.	BR data files available on EPA's FTP Internet server; National Biennial Reports available on EPA's hazardous waste pages

LQGs: generate in any single calendar month >1000 kg of RCRA hazardous waste, >1 kg of acute hazardous waste, or >100 kg of spill cleanup material contaminated with acute hazardous waste

Question 4. Please provide a list of each chemical included in the TRI program that is also included in EPA's Hazardous Air Pollutant program. Of these chemicals, please provide a list of any chemical that EPA believes may be a concern to human health or the environment when released by a facility at volumes under 5,000 pounds annually.

Response. Please find on the CD–ROM document titled "Jeffords HAPS that are TRI Chemicals." [The referenced document follows:]

Chemicals on the TRI List That Are Also on EPA's Hazardous Air Pollutant List

Row #	Chemical Name	CAS Number
1	1,1,1-Trichloroethane	000071556
2	1,1,2,2-Tetrachloroethane	000079345
3	1,1,2-Trichloroethane	000079005
4	1,1-Dimethyl hydrazine	000057147
5	1,2,4-Trichlorobenzene	000120821
6	1,2-Butylene oxide	000106887
7	1,2-Dibromo-3-chloropropane	000096128
8	1,2-Dibromoethane	000106934
9	1,2-Dichloroethane	000107062
10	1,2-Dichloropropane	000078875
11	1,2-Diphenylhydrazine	000122667
12	1,3-Butadiene	000106990
13	1,3-Dichloropropylene	000542756
14	1,4-Dichlorobenzene	000106467
15	1,4-Dioxane	000123911
16	2,4,5-Trichlorophenol	000095954
17	2,4,6-Trichlorophenol	000088062
18	2,4-D	000094757
19	2,4-D butoxyethyl ester	001929733
20	2,4-D butyl ester	000094804
21	2,4-D chlorocrotyl ester	002971382
22	2,4-D 2-ethylhexyl ester	001928434
23	2,4-D 2-ethyl-4-methylpentyl ester	053404378
24	2,4-D isopropyl ester	000094111
25	2,4-D propylene glycol butyl ether ester	001320189
26	2,4-D sodium salt	002702729
27	2,4-Diaminotoluene	000095807
28	2,4-Dinitrophenol	000051285
29	2,4-Dinitrotoluene	000121142
30	2-Acetylaminofluorene	000053963
31	2-Chloroacetophenone	000532274
32	2-Nitropropane	000079469
33	3,3'-Dichlorobenzidine	000091941
34	3,3'-Dimethoxybenzidine	000119904
35	3,3'-Dimethylbenzidine	000119937
36	4,4'-Methylenebis(2-chloroaniline)	000101144
37	4,4'-Methylenedianiline	000101779
38	4,6-Dinitro-o-cresol	000534521

39	4-Aminobiphenyl	000092671
40	4-Dimethylaminoazobenzene	000060117
41	4-Nitrobiphenyl	000092933
42	4-Nitrophenol	000100027
43	Acetaldehyde	000075070
44	Acetamide	000060355
45	Acetonitrile	000075058
46	Acetophenone	000098862
47	Acrolein	000107028
48	Acrylamide	000079061
49	Acrylic acid	000079107
50	Acrylonitrile	000107131
51	Allyl chloride	000107051
52	Alpha-Hexachlorocyclohexane	000319846
53	Aniline	000062533
54	Antimony compounds	N010
55	Arsenic compounds	N020
56	Asbestos (friable)	001332214
57	Benzene	000071432
58	Benzidine	000092875
59	Benzoic trichloride	000098077
60	Benzyl chloride	000100447
61	Beryllium compounds	N050
62	Beta-Propiolactone	000057578
63	Biphenyl	000092524
64	Bis(2-chloroethyl) ether	000111444
65	Bis(chloromethyl) ether	000542881
66	Bromoform	000075252
67	Bromomethane	000074839
68	Cadmium compounds	N078
69	Calcium cyanamide	000156627
70	Captan	000133062
71	Carbaryl	000063252
72	Carbon disulfide	000075150
73	Carbon tetrachloride	000056235
74	Carbonyl sulfide	000463581
75	Catechol	000120809
76	Certain glycol ethers	N230
77	Chloramben	000133904
78	Chlordane (added 1988, threshold changed to 10 lbs in 2000)	000057749
79	Chlorine	007782505
80	Chloroacetic acid	000079118
81	Chlorobenzene	000108907
82	Chlorobenzilate	000510156

83	Chloroethane	000075003
84	Chloroform	000067663
85	Chloromethane	000074873
86	Chloromethyl methyl ether	000107302
87	Chloroprene	000126998
88	Chromium compounds	N090
89	Cobalt compounds	N096
90	Cresol (mixed isomers)	001319773
91	Cumene	000098828
92	Cyanide compounds	N106
93	Di(2-ethylhexyl) phthalate	000117817
94	Diazomethane	000334883
95	Dibenzofuran	000132649
96	Dibutyl phthalate	000084742
97	Dichloromethane	000075092
98	Dichlorvos	000062737
99	Diethanolamine	000111422
100	Diethyl sulfate	000064675
101	Dimethyl phthalate	000131113
102	Dimethyl sulfate	000077781
103	Dimethylcarbamyl chloride	000079447
104	Epichlorohydrin	000106898
105	Ethyl acrylate	000140885
106	Ethylbenzene	000100414
107	Ethylene glycol	000107211
108	Ethylene oxide	000075218
109	Ethylene thiourea	000096457
110	Ethyleneimine	000151564
111	Ethylidene dichloride	000075343
112	Formaldehyde	000050000
113	Heptachlor (added 1988, threshold changed to 10 lbs in 2000)	000076448
114	Hexachloro-1,3-butadiene	000087683
115	Hexachlorobenzene (added 1988, threshold changed to 10 lbs in 2000)	000118741
116	Hexachlorocyclopentadiene	000077474
117	Hexamethylene-1,6-diisocyanate[1]	000822060
118	Hexachloroethane	000067721
119	Hexamethylphosphoramide	000680319
120	Hydrazine	000302012
121	Hydrochloric acid (1995 and after "acid aerosols" only)	007647010
122	Hydrogen fluoride	007664393
123	Hydroquinone	000123319
124	Lead compounds (added 1988, threshold	N420

	changed to 100 lbs in 2001)	
125	Lindane	000058899
126	Maleic anhydride	000108316
127	Manganese compounds	N450
128	Mercury compounds (added 1988, threshold changed to 10 lbs in 2000)	N458
129	Methanol	000067561
130	Methoxychlor (added 1988, threshold changed to 100 lbs in 2000)	000072435
131	Methyl hydrazine	000060344
132	Methyl iodide	000074884
133	Methyl isobutyl ketone	000108101
134	Methyl isocyanate	000624839
135	Methyl methacrylate	000080626
136	Methyl tert-butyl ether	001634044
137	Methylenebis(phenylisocyanate)[1]	000101688
138	N,N-Dimethylaniline	000121697
139	N,N-Dimethylformamide	000068122
140	N-Nitroso-n-methylurea	000684935
141	N-Nitrosodimethylamine	000062759
142	N-Nitrosomorpholine	000059892
143	Naphthalene	000091203
144	Nickel compounds	N495
145	Nitrobenzene	000098953
146	Parathion	000056382
147	Pentachlorophenol	000087865
148	Phenol	000108952
149	Phosgene	000075445
150	Phosphine	007803512
151	Phosphorus (yellow or white)	007723140
152	Phthalic anhydride	000085449
153	Polychlorinated biphenyls	001336363
154	Polycyclic aromatic compounds	N590
155	Propane sultone	001120714
156	Propionaldehyde	000123386
157	Propoxur	000114261
158	Propylene oxide	000075569
159	Propyleneimine	000075558
160	Quinoline	000091225
161	Quinone	000106514
162	Quintozene	000082688
163	Selenium compounds	N725
164	Styrene	000100425
165	Styrene oxide	000096093
166	2,3,7,8-tetrachlorodibenzo-p-dioxin[2]	001746016

	(known commonly as dioxin)	
167	Tetrachloroethylene	000127184
168	Titanium tetrachloride	007550450
169	Toluene	000108883
170	Toluene-2,4-diisocyanate	000584849
171	Toxaphene (added 1988, threshold changed to 10 lbs in 2000)	008001352
172	Trichloroethylene	000079016
173	Triethylamine	000121448
174	Trifluralin	001582098
175	Urethane	000051796
176	Vinyl acetate	000108054
177	Vinyl bromide	000593602
178	Vinyl chloride	000075014
179	Vinylidene chloride	000075354
180	Xylene (mixed isomers)	001330207
181	m-Cresol	000108394
182	m-Xylene	000108383
183	n-Hexane	000110543
184	o-Anisidine	000090040
185	o-Cresol	000095487
186	o-Toluidine	000095534
187	o-Xylene	000095476
188	p-Cresol	000106445
189	p-Phenylenediamine	000106503
190	p-Xylene	000106423

[1] Hexamethylene-1,6-diisocyanate is on the TRI list as a member of the Di-isocyanate chemical category. It is listed on the Hazardous Air Pollutant List as hexamethylene-1,6-diisocyanate.

[2] 2,3,7,8-tetrachlorodibenzo-p-dioxin (commonly called dioxin) is on the TRI list as a member of the Dioxin and Dioxin-Like Compound chemical category. It is listed on the Hazardous Air Pollutant List as dioxin.

Question 5. EPA has described its TRI proposal as a burden reduction initiative. Yet small businesses that have less than 10 employees are already exempt from the TRI program. In addition, reporting companies would still need to calculate their emissions to determine if they qualify for the proposed exemption. Using EPA's estimates provided on January 13, 2006, facilities eligible for this burden reduction would save less than $2.50 a day. Isn't it worth the cost of a slice of pizza to empower communities with information about toxic releases in their neighborhood?

Response. I am a firm believer in the concept of making information available to the public so that they can make informed decisions about their daily lives where they live, work and play. I believe that right-to-know and burden reduction are not mutually exclusive. If I am confirmed by the Senate, I would be happy to work with the Senator and the Committee to discuss this proposed action in greater detail.

Question 6a. There have been increasing complaints in recent years that EPA is denying Freedom of Information Act (FOIA) fee waivers from a range of public interest organizations that previously received such fee waivers routinely. Has EPA's policy or implementation of FOIA fee waivers changed in recent years?

Response. The Agency informs me that EPA has not changed its policy concerning the granting of fee waivers. The Agency is following established EPA FOIA regulations, the Department of Justice guidance on fee waivers, the Office of Management and Budget requirements that Federal Agencies should collect fees when appropriate, (52 Fed Reg. 1002 (March 27, 1987)) and applicable case law. EPA grants all fee waivers that meet the criteria set out in these rules. In making fee waiver determinations, a Federal Agency must look at the facts presented by the requester with each individual request and make a determination on a case-by-case basis.

EPA has informed me that it has made changes in the Agency's process for reviewing fee waiver requests over the last several years. First, all fee waiver decisions at headquarters are now made by the National FOIA Staff and approved by the Agency FOIA Officer in consultation with the U.S. Department of Justice, when appropriate. EPA centralized its fee waiver decisions as a means of bringing more consistency to the process. Second, the office with national responsibility for FOIA responses and fee waivers is now focused on consistently ensuring that each requestor provide sufficient information to meet all the criteria for a fee waiver. As a result, fee waiver decisions are made objectively by knowledgeable staff based solely on information provided by the requester to justify the request for a fee waiver.

Question 6b. There have been increasing complaints in recent years that EPA is denying Freedom of Information Act (FOIA) fee waivers from a range of public interest organizations that previously received such fee waivers routinely. For each of the last 10 years, please provide a breakdown of how many fee waiver requests were received and how many were granted.

Response.

Year[1] (CY)	Number of Fee Waiver Requests	Grants	Denials	No fees assessed
2006[2]	152	47	4	101
2005	580	199	187	194
2004	511	335	162	14
2003	647	159	475	13
2002	433	149	278	6
2001	626			
2000	595			
1999	598			
1998	576			
1997	480			
1996	448			

[1]Prior to 2002, the system used to track Agency FOIA requests did not record final disposition of requests for fee waivers.
[2]January 1, 2006—May 5, 2006.

Question 7. In response to my question on the future of the EPA Library Network, you emphasized your belief in internet technology as a means of sharing environmental information. In many rural parts of the country, however, including my home State of Vermont, high-speed internet access and basic computer technology is not always readily available. If confirmed, what steps will you take to guarantee

the right of all Americans to access public information and to increase opportunities to do so?

Response. I am committed to ensuring that all citizens have access to public information from EPA. One way the public can access EPA information is through their local or university libraries. I have been informed by EPA that its Library plan will include a commitment to working with local and university libraries to provide interlibrary loan services to the public. If confirmed, I will work to help ensure that local and university libraries have the information and tools needed to search EPA's Online Library System for information sources and the means to request information via interlibrary loans. In addition, EPA can work with librarians to teach them how to navigate the EPA Web site to find information electronically far their local constituents.

Question 8a. Across the country, communities in the vicinity of the high risk chemical facilities utilize Risk Management Plans mandated by the Clean Air Act to prepare for and act in response to accidents and other emergency situations. These plans must be publicly available under law and are often obtained at regional EPA libraries. Furthermore, a 2004 EPA report (EPA 260–R–04–001) concludes in the first sentence of its Executive Summary, "The Environmental Protection Agency's network of regional libraries provides substantial value to the Agency, its professional staff, stakeholders, and the public. Calculated conservatively, the benefit-to-cost ratio for EPA library services ranges between 2:1 and 5.7:1."

If regional EPA libraries close or become otherwise unavailable to supply these documents, what actions do you believe the Office of Environmental Information should take in order to continue to uphold community right-to-know protections under the Clean Air Act and other environmental reporting statutes?

Response. I have been informed by EPA that only three Regions' Risk Management Plan (RMP)/Offsite Consequence Analysis (OCA) reading rooms are located in Regional library space that may be affected by the library budget reduction. If I am confirmed, I will work with the Assistant Administrator for the Office of Solid Waste and Emergency Response to ensure the rooms are relocated and the public continues to have access to the information they need.

Question 8b. Please provide a copy of the Agency's short- and long-term plans for closing EPA libraries and maintaining the same quality of access through alternative means, including budget and digitalization, storage and document dissemination. If the aforementioned information does not currently exist, will you commit to developing a long-term information services plan within the next 3 months for use by the Committee?

Response. In response to important trends, the Environmental Protection Agency's budget request for FY 2007 includes a proposed $2 million reduction to OEI's library budget. Reductions will affect the Headquarters and Regional libraries, which comprise 11 of the 26 libraries in the EPA library network. First, for the past several years there have been fewer and fewer people physically visiting the EPA libraries. Second, during this same period more and more researchers are finding the resources the need on-line, and accessing them through desktop services. Recognizing these trends, EPA has been looking at ways to more efficiently and effectively deliver our library services. The proposed solution is entirely consistent with the Agency's long-standing policy of using new computer technology to provide services at less expense, and our experience in creating "enterprise solutions" to meet other needs and reduce unnecessary redundancy. EPA commits to provide information on the proposed solutions when available.

OEI has established a senior level Library Steering Committee comprised of representatives from Headquarters offices and a subset of the Assistant Regional Administrators to develop and oversee the transition to a new model of library services.

One area in which EPA plans to achieve greater efficiencies in its library program is through streamlining some of its physical library collections and moving toward a new model that is focused on providing delivery of library services electronically and leveraging services offered by other libraries in the network, such as the EPA libraries in Research Triangle Park, NC and Cincinnati, OH.

The physical library space at Headquarters and various other locations may be closed and walk-in services reduced. Staff in Headquarters and affected regions will be able to obtain services via electronic means from other libraries in the EPA Network. EPA employees will continue to have online access to key journals and publications from their desktops, and they will have access to interlibrary loan and reference/research services. In addition, the Online Library System (OLS), the catalog of all the holdings in EPA's libraries, will continue to be available to staff.

EPA is committed to providing the public with access to environmental information. The public will also continue to have access to the Online Library System (OLS), the catalog of all the holdings in EPA's libraries, and will be able to obtain over 13,000 unique EPA documents (titles) in electronic format through the EPA National Environmental Publications Internet site and over 4,000 EPA titles in hardcopy, free of charge, through the National Service Center for Environmental Publications (NSCEP). In addition, the public will continue to be able to access EPA publications via interlibrary loan by working with a requesting library.

The goal of the EPA's plan is to ensure a smooth transition to a new model of library services.

Question 9a. A January 2004 EPA report entitled, "The Business Case for Information Services" notes, "The Agency is shifting away from producing printed materials, yet lacks a controlled repository of either paper or electronic documents."

In your opinion, what steps should the Agency take to safeguard documents and other materials for future use, both paper and electronic, especially those which are unique?

Response. I have been informed by EPA that its library plan will include information on steps for safeguarding unique EPA documents. In addition, I have learned that EPA is establishing some repository libraries to house documents from libraries that are closing. The repositories will ensure that documents from libraries that are closing will be maintained and available for interlibrary loan.

Question 9b. In terms of the number of items, what is the current makeup of EPA's estimated backlog for digitizing important paper-only documents?

Response. EPA currently has 13,000 documents digitized. EPA Headquarters is working with the Regions to identify the estimated number of unique documents that still need to be digitized.

Question 9c. How do you plan to manage this backlog?

Response. I understand EPA's library plan will include guidelines on prioritizing which unique documents should be digitized first.

Question 10. What is EPA's policy on preserving electronic information? How is the current policy sufficient to make certain that all information that EPA creates can reasonably be made available as required by law?

Response. I have learned from EPA that in April of this year the Agency issued a new Records Management Policy. This Policy establishes principles, responsibilities and requirements for managing EPA's records, including records in electronic format, to ensure that the Agency is in compliance with Federal laws and regulations, EPA policies and best practices for managing records. The Policy requires that all electronic records, including electronic mail records, be maintained in the enterprise-wide electronic content management system when it becomes available. The Policy also requires that electronic records be printed and filed in a paper recordkeeping system until an enterprise-wide electronic content management system (ECMS) is available.

I have also learned from EPA that they are going to begin the development of an information access policy to ensure that any new documents produced in hard copy are also produced in electronic format. The policy will also establish guidelines for ensuring that all new electronic documents are catalogued in EPA's Online Library System and made available to the public.

Question 11. How many full-time employees work for the Assistant Administrator for the Office of Environmental Information? What is the approximate annual budget for the Office of Environmental Information? How has your experience prepared you to manage this office as the Assistant Administrator?

Response. The Office of Environmental Information (OEI) consists of approximately 400 employees. The FY 06 operating plan is approximately $277 million.

As to my experience in preparation for leading the Office of Environmental Information, I have 15 years of resource management experience in the private and nonprofit sectors. This includes planning, development, allocation, and management of budgets, infrastructure and personnel. I have worked closely with senior regulatory managers to incorporate technology to serve as a tool to improve business processes. My technical experience coupled with my management experience has helped prepare me to manage the Office of Environmental Information.

RESPONSE BY MOLLY O'NEILL TO AN ADDITIONAL QUESTION FROM SENATOR THUNE

Question. The office to which the President has nominated you is the Agency's lead in moving towards a greater use of electronic data collection. As you may be

aware, the largest continuous paperwork burden that the EPA places on those who are regulated under the Resource Conservation and Recovery Act (RCRA), is the hazardous waste manifest system that tracks wastes from "cradle to grave". I am working with members of this Committee in a bi-partisan manner to draft legislation to authorize regulated entities to submit electronic manifests as a way to provide more transparency and efficiency when it comes to the tracking of hazardous waste. As a staff person at the Association representing hazardous waste officials, I understand you are familiar with the effort to authorize electronic manifests. Can we look to your office to vigorously support our efforts to establish an electronic manifest system?

Response. The Agency informs me that the electronic manifest project falls under the jurisdiction of the Office of Solid Waste and Emergency Response. I am, however, a firm believer in using technology solutions to better achieve mission goals. If I am confirmed as Assistant Administrator and Chief Information Officer, the Office of Environmental Information will play a key partnership role to enable this important project to be both a mission and technical success.

RESPONSES BY MOLLY O'NEILL TO ADDITIONAL QUESTIONS FROM SENATOR OBAMA

Question 1. Under EPA's proposal, one environmental group estimates that Illinois will have 207 facilities that no longer have to report detailed pollutant information. Is it your belief that members of those communities no longer have a right to know what is being discharged into their communities?

Response. I bring a strong personal commitment to providing the broadest possible access to information that may impact our communities. If confirmed, I will work with you and the Committee to balance burden reduction while continuing to provide the public with information about toxics in their communities.

Question 2a. EPA's proposal includes exempting facilities that emit less than 500 pounds of persistent bioaccumulative toxins annually from reporting requirements. Are lead and mercury included among those persistent bioaccumulative toxins that will be now exempted?

Response. As I understand what EPA proposed on October 4, 2005, lead and mercury would be eligible to use a "short form" (Form A) in lieu of the longer Form R, under certain conditions. First, facilities wanting to use Form A could have no releases of lead or mercury (or any persistent, bioaccumulative or toxic chemical) to the environment. Second, the facility could conduct treatment or recycling, on or offsite, in amounts not to exceed 500 lbs.

Question 2b. You have been working with the States in information management for the past 4 years. Do you think State environmental and health officials would support giving up access to data on such persistent environmental toxins in their communities?

Response. It is my understanding that several State officials did comment on the proposed rule. If confirmed, I would carefully consider all of the public comments, including comments from State environmental and health officials. In general, I believe the State environmental and health officials can understand the Agency's desire to balance burden reduction with continuing to provide the public with information about toxics in their communities.

Question 3. EPA has proposed reducing TRI reporting requirements and closing down EPA libraries, beginning with EPA's library in Chicago. If confirmed, will you work with members of this Committee to ensure that all Americans have access to pertinent EPA data? If confirmed, will you work with members of this Committee to examine the full implications of EPA's proposal to reduce TRI reporting?

Response. If confirmed I will certainly work with the Committee or any individual Senator to discuss access to EPA data as well as the proposed TRI rule.

Question 4a. At a recent briefing given to Environment and Public Works Committee members' staff on the 2004 Toxic Release Inventory (TRI) data, the EPA staff indicated that "lead and lead compounds disposal or other releases increased by 25 million pounds or 6 percent from 2001 to 2004" largely because the metal mining sector had an increase of 10 percent during that period. It is not clear why that increase has occurred. Are these facilities directly mining for lead or is the lead a byproduct of other mining activities?

Response. EPA advises that over 8,000 facilities reported lead releases in 2004. Just 12 facilities reported under SIC code 1031: Lead and Zinc Ores Metal Mining: EPA cannot say with certainty whether there is primary mining of lead at these

facilities, but believes that the vast majority of lead releases are associated with mining for other metals, including gold.

Question 4b. Where were the 25 million pounds disposed?

Response. The 25 million pounds are generally contained as trace elements in waste rock and were disposed of mainly on-site at (near the area from which the rock was originally extracted) metal mining facilities, primarily in surface impoundments or other land disposal.

Question 4c. What are the risks of exposure for children and women of childbearing age from the different disposal methods used for mined lead?

If children and women of childbearing age are facing an increased risk of exposure due to increased mining activities, are there additional steps EPA can take to reduce that risk?

Response. The fate and transport, including exposure risk; of environmental contaminants is complex and can only be rigorously assessed on a site-specific basis. However, in general, mining is conducted in remote areas and waste rock is redeposited near the area where it was mined. If confirmed, I will work with you and the Committee to examine these issues.

Question 5. The briefing materials indicate that 189 million pounds of lead were recycled offsite by electronic/electrical equipment manufacturers. How does that statistic compare with the most recent estimates of lead sold nationwide in electronics and electrical components annually? The EPA briefing indicated that total production-related waste managed by the electronic/electrical equipment sector increased by 14 percent between 2003 and 2004, reversing a downward trend. Please address why that trend may have changed and are there steps EPA can take to increase lead component recycling in electronics?

Response. EPA noted in its briefing materials that of 1.2 billion pounds of lead total production-related waste from all sources, about 63 percent was recycled in 2004. Total production-related waste for lead decreased by less than 1 percent from 2003 to 2004, and decreased about 2 percent from 2001 to 2004. These are very complex questions which will require discussion across the Agency. If confirmed, I will work with the Committee to examine these issues.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable James M. Inhofe, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Marty Hall: Deputy Staff Director) as soon as possible.

Name of Nominee: Molly A. O'Neill

Business Address: 444 Capitol Street, N.W., Suite 445

Washington, DC 20001

Business Phone: (202) 624-3507

Home Address:

Fairfax, VA 22033

Home Phone:

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: O'Neill (Last) Molly (First) Ann (Middle)

Position to which nominated: Assistant Administrator for Environmental Information and Chief Information Officer of the United States Environmental Protection Agency

Date of Nomination: March 27, 2006

Date of birth: 07/02/1966 (Day) (Month) (Year) **Place of birth:** Annapolis, Maryland

Marital status: Single **Full name of spouse:** N/A

Name and ages of children N/A

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Virginia Tech	9/84-5/88	B.S. Biology	5/88

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

07/02 -- Present - Environmental Council of the States, State Director of the National Environmental Information Network; 444 N. Capitol Street, NW, Suite 445, Washington, DC 20001

Direct the implementation of the National Environmental Information Exchange Network for the 50 state partners. Serve as primary liaison to the U.S. EPA in the joint governance of this project. Responsible for strategic planning, resource allocation, contractor management, and technical

decisions and direction-setting. Provide technical advice to state and tribal partners, and serve as a primary spokesperson for the Network. Conduct briefings to Commissioners of state environmental agencies, senior executive managers at the U.S. EPA, congressional staff, and executive leaders representing other national or global networks (e.g., Center for Disease Control, Department of Justice, Department of Homeland Security, and the European Environment Agency).

07/98 – 07/02 – American Management Systems, Inc.; Principle, Environmental Systems Group. 12601 Fair Lakes Circle, Fairfax, VA 22033

Client manager overseeing several enterprise wide system implementation projects at state environmental agencies. Worked directly with State Chief Information Officers and Commissioner level executives. Developed strategies for delivering data to provide defensible statewide environmental performance reports. Performed consulting services focused on merging environmental business processes in the private sector.

[1]11/96 – 07/98 TechLaw, Inc.; Manager/Director Business Process Reengineering State Environmental Practice; 14500 Avion Parkway, Suite 300, Chantilly, VA 20151

Supervised and oversaw a team of management consultants working with state environmental agencies to improve their organizations and business processes. Worked directly with executive staff in state government to assess strategic priorities.

7/89 – 11/96 A.T. Kearney, Inc.; Manager, Environment, Health and Safety Practice; 225 Reinekers Lane, Alexandria, VA 22314

Project manager and lead consultant on management reviews and organizational assessments at state environmental agencies. Technical manager on more than 200 projects performed for the U.S. EPA in the areas of hazardous waste permitting, corrective action and remediation, risk assessments, and financial assurance. Analyst working with private clients on environmental liability and permit application development.

5/88 – 7/89 PEER Consultants, P.C; Analyst; 12300 Twinbrook Parkway, Rockville, MD 20852

Collected environmental samples – air, water, soil, groundwater, sediment and biological. Analyzed sample results and prepared reports. Developed databases and tracking systems for the DoD Environmental Restoration Program and analyzed proposed environmental regulations for the impact on DoD operations.

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

- 2004 Federal 100 Award – recognizing top executives influencing federal technology.
- 2005 U.S. EPA CIO Partnership Award – recognizing development of an automated data exchange for the Toxic Release Inventory (TRI) program which resulted in burden reduction for both states and industry.

1 Techlaw, Inc. purchased the Environmental Health and Safety Practice of A.T. Kearney, Inc after it was sold to EDS.

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Fair Lakes Townhouse Homeowners Assoc.	Board of Directors	Jan. 2004-Present
St. Timothy's Catholic Church		May 2004 - Present
Delta Delta Delta Sorority Lifetime Member Alum		2003 to Present
St. Jude's Hospital – Partners in Hope		Nov 2005 – Present
American Chemical Society		1989 – 1997

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

Entire 18-year career working on environmental management issues. Experienced environmental policy analyst, expert knowledge of State and Federal information management systems, accomplished management and budgeting professional, effective and experienced communicator. Keen understanding of environmental programs and how technology can be applied to solve scientific problems. Able to find new solutions for approaches to environmental business processes while still respecting integrity of programs and policies. Over the last three and a half years, primary lead in establishing the largest governmental web services network in the nation. Keen understanding of national information technology initiatives and priorities. Experienced and successful in bringing together diverse and independent organizations to work on interoperability of information management systems among government entities.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I will sever all connections with my present employer.

---

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

No plans to resume employment, affiliation or practice with my current or any previous employer after completing government service.

---

3. Has anybody made a commitment to you for a job after you leave government?

No one has made a commitment for a job after completing government service.

---

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No.

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

I have held no other Schedule C or appointive positions in the Executive branch.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

I have no deferred income arrangements, stock options, uncompleted contractors and other future benefits from previous business relationships, professional services and firm memberships or from former employers.

---

2. Are any assets pledged?

No.

---

3. Are you currently a party to any legal action?

No.

---

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

I have filed a Federal income tax return for each of the last 10 years.

---

5. Has the Internal Revenue Service ever audited your Federal tax return? if so, what resulted from the audit?

I have never been subject to an IRS Audit of any Federal tax return.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

---

2. List any investments, obligations, liabilities, or other relationships that might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

My investments pose no conflicts of interest or appearances of conflict of interest. I have no outstanding obligations or liabilities.

---

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

I have been employed by firms with government contracts and have worked on government contracts for the U.S. EPA. My salary at the Environmental Council of the States is supported by grant funding at the U.S. EPA.

---

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

I will, in consultation with the appropriate ethics officials, write and implement applicable recusal statements. I will also consult with the ethics officials on any potential conflict or appearance of conflict matters that may arise.

---

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I will abide by the ethics agreement that has been attached to this questionnaire. I will consult with the ethics officials on any potential conflict or appearance of conflict matters that may arise.

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Virginia Republican Party, no financial contributions in excess of $1,000.

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.
(Please list first any publications and/or speeches that involve environmental or related matters.)

Publications:

- The State/EPA Exchange Network – A State Perspective, published by European Environment Agency EIONET 2004 Conference, Geneva, Switzerland, October 2004
- Linking Environment and Health Data – published by the Environmental Council of the States, ECOS Magazine Summer 2005
- The Hazardous Waste Disposal Problems Facing US Industry and Hospitals, published by Sherikan Island Marine Station for 13th Annual International Conference, Cork Ireland, November 1997

Speeches and Presentations:

- New Hampshire Department of Environmental Services and U.S. EPA Joint Press Conference – New Hampshire Goes Live on the Exchange Network, Manchester, New Hampshire, Spring 2004.

- Governing Magazine's Managing Environmental Information Conference, Boston, MA, Spring 2004
- Governing Magazine's Managing Environmental Information Conference, Chicago, IL, June 2005
- Biodiversity and Ecosystem Informatics Conference, Olympia, WA, December 2004
- Open Forum – MetaData Standards International Conference, Santa Fe, NM; January 2003
- National Council for Science and Environment – Forecasting Environmental Change Conference, Washington, DC, February 2005
- Governing Magazine, State Update Conference, Washington, DC, February 2005
- U.S. EPA's System of Registries Conference, Washington, DC, May 2005
- U.S. EPA's Office of Environmental Information National Meeting, Miami, FL, December 2004
- U.S. EPA's Office of Environmental Information National Meeting; Scottsdale, AZ, December 2003
- Federal CIO XML Community of Practice Meeting, Washington, DC, February 2005
- Coastal States Organization Annual Meeting, Traverse City, MI, October 2004
- U.S. EPA's Toxic Release Inventory National Meeting, Washington, DC, March 2004
- Association of State Drinking Water Administrator's 18th Annual Conference, Boston, MA, October 2003

Additional Matters:

1. If there is any additional information that you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

DISTRICT OF COLUMBIA

AFFIDAVIT

Molly A. O'Neill ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Molly O'Neill

Subscribed and sworn before me this 14TH day of APRIL, 2006

Notary Public Philip G. Wyse

Philip G. Wyse
Notary Public, District of Columbia
My Commission Expires 4-14-2010

Attachment

Statement by Agency Ethics Officer

Functional Statements

OFFICE OF ENVIRONMENTAL INFORMATION (OEI)

EPA's Office of Environmental Information supports the Agency's mission of protecting public health and the environment by integrating high qua information to make it useful for informing decisions, improving information analyses, documenting performance, and measuring success. The of consultation with its many different internal and external stakeholders and partners, establishes and oversees information policies and procedure concerns of local, state, and federal government; tribes; the regulated community; interest groups; the general public; and EPA managers and st the office performs the following major functions:

- Fulfill the responsibilities of EPA's Chief Information Officer in accordance with the Clinger-Cohen Act.
- Serve as a point of contact for EPA's external partners on information issues and assist them in locating, using, and leveraging inform services.
- Provide leadership for improving the quality and utility of EPA's data and information.
- Improve the efficiency of data and information collected by EPA to fulfill current and future information needs, while reducing the costs for partners and stakeholders.
- Ensure that the best practical and cost-effective technology is applied to meet EPA's current and future information needs.
- Provide leadership in the integration, analysis, and interpretation of environmental data, by producing products and policies that repre and are responsive to customer needs.
- Provide the public with high-quality and useful information on environmental quality, status, and trends with the goal that our customer empowered to use the data and information to enhance their health and protect the environment in their communities.
- Ensure that EPA shares environmental data and information with our partners and the public in a consistent, efficient manner that avo confusing messages and promotes user understanding through contextual information.

as amended), OMB Circular A-130 (Management of Federal Information Resources), OMB Circular A-131 (Value Engineering), EPA Directive 1-41 (Mandatory Quality Assurance Program), EPA Order 5360.1 CHG 1.

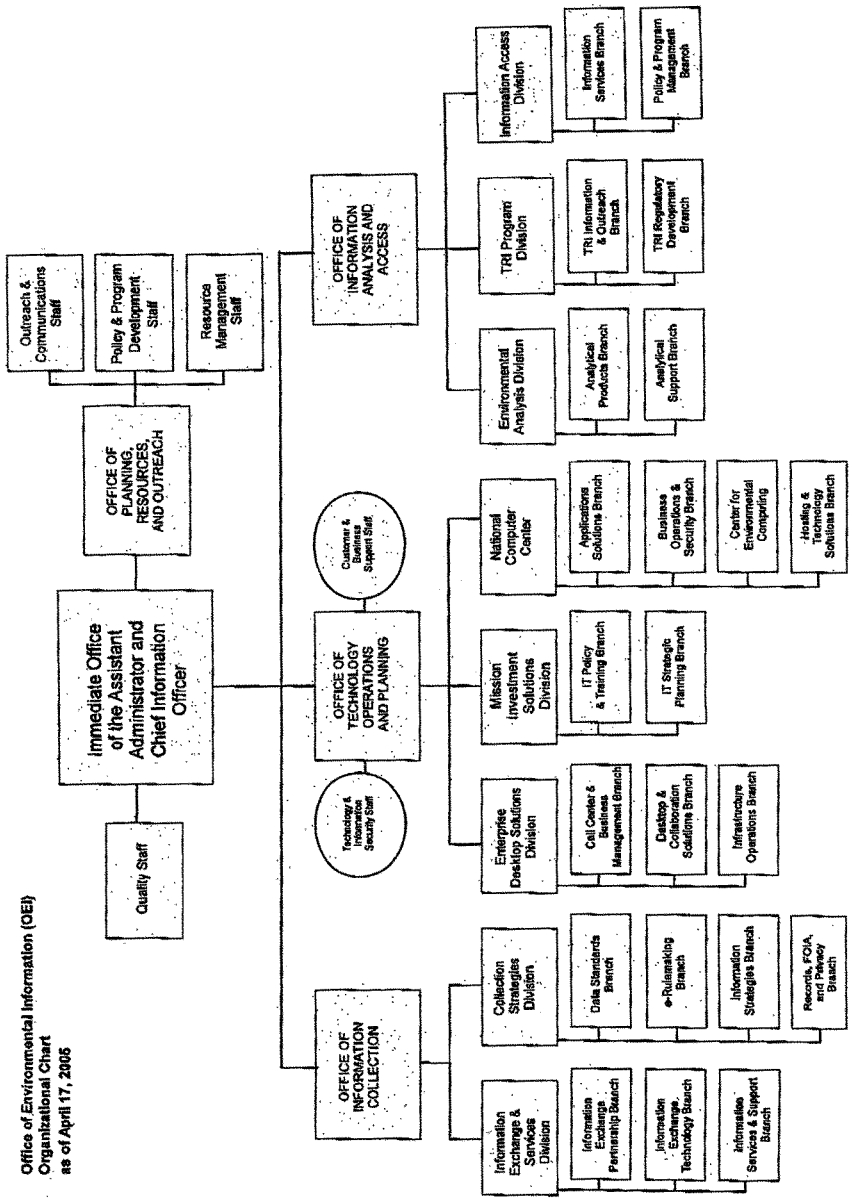
- The Quality and Information Council (QIC) is the senior Agency leadership body for information programs and quality systems. The Council advises the Office of Environmental Information, the Administrator and the Deputy Administrator on decisions related to the Agency's information policies, program implementation issues, and information investments. The Council is made up of Deputy Assistant Administrators and Deputy Regional Administrators from throughout the Agency.

- The Environmental Council of the States (ECOS) is "the national non-profit, non-partisan association of state and territorial environmental commissioners. The mission of ECOS is to improve the environment of the United States by providing for the exchange of ideas, views and experiences among states and territories, fostering cooperation and coordination in environmental management, and articulating state positions to Congress and the U.S. Environmental Protection Agency on environmental issues."

- The ECOS/EPA Information Management Work Group (IMWG) was established in a partnership agreement between EPA and the States. This agreement calls for ECOS and EPA to build locally and nationally accessible, environmental information systems; improve the collection, management, and sharing of environmental information in support of environmental goals and priorities; and reduce costs and burden by sharing investments in technology and developing a common set of useful and usable environmental information. The Work Group is the forum for:

  - resolving information issues between states and EPA;
  - learning from each other's efforts and investments; and
  - achieving a shared vision of future environmental information management.

- EPA's partnerships with the States is multifaceted and involves state organizations that extend beyond those represented by the Environmental Council of States (ECOS) and the ECOS/IMWG. The OEI will work with representatives and groups representing these other state partners to ensure that their perspectives are understood and represented in OEI activities as appropriate. The OEI will also coordinate the work of other parts of EPA with this same group of partners, as appropriate.


Office of Environmental Information (OEI)
Organizational Chart
as of April 17, 2005
Immediate Office of the Assistant Administrator and Chief Information Officer
Quality Staff
OFFICE OF PLANNING, RESOURCES, AND OUTREACH
Outreach & Communications Staff
Policy & Program Development Staff
Resource Management Staff
OFFICE OF INFORMATION COLLECTION
Information Exchange & Services Division
Information Exchange Partnership Branch
Information Exchange Technology Branch
Information Services & Support Branch
Collection Strategies Division
Data Standards Branch
e-Rulemaking Branch
Information Strategies Branch
Records, FOIA, and Privacy Branch
OFFICE OF TECHNOLOGY OPERATIONS AND PLANNING
Technology & Information Security Staff
Customer & Business Support Staff
Enterprise Desktop Solutions Division
Call Center & Business Management Branch
Desktop & Collaboration Solutions Branch
Infrastructure Operations Branch
Mission Investment Solutions Division
IT Policy & Training Branch
IT Strategic Planning Branch
National Computer Center
Applications Solutions Branch
Business Operations & Security Branch
Center for Environmental Computing
Hosting & Technology Solutions Branch
OFFICE OF INFORMATION ANALYSIS AND ACCESS
Environmental Analysis Division
Analytical Products Branch
Analytical Support Branch
TRI Program Division
TRI Information & Outreach Branch
TRI Regulatory Development Branch
Information Access Division
Information Services Branch
Policy & Program Management Branch

MAR 29 2006

Roger R. Martella, Jr.
Designated Agency Ethics Official
and Principal Deputy General Counsel
US Environmental Protection Agency (2310A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Martella:

The purpose of this letter is to describe the steps that I intend to take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Administrator for the Office of Environmental Information at the United States Environmental Protection Agency.

As required by 18 U.S.C. 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver pursuant to 18 U.S.C. 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). I understand that the interests of the following persons would be imputed to me: a spouse, any minor children, any general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position as State Director of the National Environmental Information Exchange Network of the Environmental Council of the States (ECOS). Pursuant to 5 CFR § 2635.502, for one year after I terminate my position with ECOS, I will not participate in any particular matter involving specific parties in which ECOS is a party or represents a party, unless I am authorized to participate. Upon my confirmation, neither I nor ECOS will continue to make any contributions to the ECOS 401(k) plan.

I understand that I may continue to serve as a director of the Fair Lakes Homeowners Association of Fairfax, Virginia, which is an uncompensated position. I am aware that, pursuant to 18 USC § 205, I could not act as agent for anyone before the federal government in connection with any covered matter in which the United States is a party or has a direct and substantial interest.

Finally, I understand that my obligation to comply with ethics laws and regulations is ongoing and will require vigilance regarding any changes in my financial interests, the financial interests of persons and organizations imputed to me under the ethics laws and regulations, and other outside interests. I will keep the Agency's ethics officials informed about any new or changing interests and will take all appropriate steps to avoid or remedy actual or potential conflicts.

Sincerely,

Molly A. O'Neill

STATEMENT OF DALE E. KLEIN, NOMINATED TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

Mr. Chairman, Ranking Member Jeffords and Committee Members, it is an honor to appear before you today as President Bush's nominee for the Nuclear Regulatory Commission (NRC).

I want to acknowledge the presence of my wife, Becky.

The current Commissioners have laid substantial groundwork to help prepare the NRC for the challenges it faces in the coming years. Challenge is the appropriate word. The next several years will be perhaps the most significant in decades in terms of regulating the civilian use of nuclear materials.

This challenge is all the more important when viewed through the lens of what is happening in the energy arena. The global energy supply can affect both the U.S. economy and U.S. interests. Oil and natural gas prices are at levels never before seen. Domestic and global demand continues to rise. There are forecasts that U.S. electricity demand will rise by 50 percent in just over two decades. Clearly, nuclear energy has a role to play in meeting that demand.

The charge of the NRC is to "license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment."

In meeting that mission, regulatory stability is a crucial element. The NRC must clearly define the requirements. It must respond in a timely manner. I believe the groundwork laid by the Commission will be the key to providing the necessary regulatory stability.

The challenges ahead for the NRC are substantial: dealing with the impending bow wave of applications for new reactors, overseeing their construction, and simultaneously ensuring that existing plants receive the high standard of regulatory oversight set by the NRC. The already high security of nuclear facilities must be maintained. And there is the challenge to the Agency of dealing with a potential application by the Energy Department for a high level waste repository. Both this Committee and the Appropriations Committee have been very supportive of the Commission. Continued support will be essential to help ensure that the licensing process moves smoothly. If confirmed, you have my assurance I will work closely with you and the Members of this Committee on these issues.

Ensuring that the current fleet of commercial nuclear powerplants receive the proper level of scrutiny during the coming decade—as new plants are licensed and built—will require a continued focus by the NRC on quality oversight. If confirmed, I can assure you that I intend to see that the lessons learned from the past are institutionalized in the NRC.

Mr. Chairman, Members of the Committee, while much of my background is technical in nature, I am an experienced administrator who believes in milestones and deliverables. My goal is to make sound decisions, based on sound science and sound public policy. If confirmed, I look forward to working with this Committee and the challenge of being an NRC commissioner.

This concludes my statement. I look forward to your questions.

RESPONSES BY DALE KLEIN TO ADDITIONAL QUESTIONS FROM SENATOR JEFFORDS

Question 1. In April 2005, the National Research Council, part of the National Academy of Sciences, released a report on the security of spent fuel storage at nuclear plants. I would like your views about how you will work to address a number of issues it raises.

What, in your view, are the next steps that the Commission should undertake to provide additional guidance to our Nation's nuclear facilities on dealing with cooling accidents?

Response. While I am not familiar with the details of that report, my background as a scientist and an engineer will guide me as I study ways to further protect nuclear facilities in the event of accidents. If confirmed, I intend to work with this Committee closely as we identify further improvements.

Question 2. The last chapter of the National Research Council report suggests that the Commission's controls on information may be inhibiting security improvements. Representatives of the study team, and industry were frustrated by the Commission's restrictions on sharing data that could help with "early actions to address identified vulnerabilities."

Will you describe, for the Committee, your general view about both public and utility access to information regarding the security of nuclear material?

Response. The NRC is an Agency that makes available to the public thousands of documents every year. Public access to information is key to maintaining confidence in the workings of the government. However, in addition to public access, it is imperative that security information is protected using the need-to-know standard. As a Nation, we need to be mindful that guidelines are established for a reason and that terrorists should not have access to security information.

Question 3. Would you share with the Committee your views about the type and scope of peer review you believe is needed when studies show that nuclear materials at powerplants or other facilities licensed by the NRC may be vulnerable to terrorist attacks?

Response. Protecting nuclear facilities is an imperative. If confirmed, security will be a top priority for me. I look forward to working with all relevant experts to ensure nuclear facilities are safe and secure.

RESPONSES BY DALE KLEIN TO ADDITIONAL QUESTIONS FROM SENATOR VOINOVICH

Question 1. What do you consider to be the most important priorities and challenges facing the Agency as you take the helm at the NRC?

Response. If confirmed, I believe my most important priority and challenge will be the continued safe operation of the existing nuclear plants and other licensed facilities while meeting the expected new license applications. Secondly, my next most important priority will be to ensure regulatory stability. In order to do this, the NRC should establish clear requirements and process applications in a timely manner.

Question 2. During your tenure in this appointed position, what key performance goals do you want to accomplish, and how would this Committee know whether you have accomplished them?

Response. My key performance goals will be safety and timely response metrics. I look forward to reviewing the Agency's strategic plans and goals to ensure that the performance standards are appropriate. After these performance metrics are established, it is important to measure the results and to communicate these results to the Committee.

Question 3. Going forward, NRC's relationship with other Federal Agencies and State/local governments will be absolutely critical in accomplishing its mission. Please describe your thoughts and plans on how you intend to work on this issue.

Response. In my current assignment as the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, I have interfaced with several Federal Agencies and State/local governments. The best way to accomplish this mission is through good communications, stating clearly what is needed and being responsive to the needs of the other Federal Agencies and State/local governments.

Question 4. One of the things that I have highlighted is the need for the NRC to improve and be more proactive in its public relations efforts. I would like to get your thoughts on how a regulatory agency such as NRC can improve in this area.

Response. Public relations and public education are extremely important. It is not the role of the NRC to be an advocate for nuclear technology, but the NRC should not be an impediment. The NRC needs to be a credible source of information and the NRC needs to communicate its findings in a clear and understandable manner to all stakeholders. If confirmed, I expect to look closely at the number of people at the NRC involved in public relations/public education and evaluate what is being done and determine if the resources are appropriate. I plan to reach out to all constituencies by meeting with a variety of stakeholders.

Question 5. It goes without saying that your relationship with Congress will be critical in ensuring success for the Agency. Specifically, describe any experience you have in working on a bipartisan basis to identify statutory changes that can improve program efficiency and effectiveness, as well as in fostering and responding to legislative oversight.

Response. During the last several years as the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, I worked in a bipartisan way in many areas. This included the RRW (Reliable Replacement Warhead), the Chemical and Biological Defense Program, and the Chemical Demilitarization Program. If confirmed, I expect to have a proactive bipartisan effort with the House and Senate staff members, staff Committee members, and elected officials. I am a strong advocate for communication. It is important that those involved

in legislative oversight understand the NRC's programs and it is important for the NRC to understand the goals of those involved in legislative oversight.

Question 6. To become a high-performance organization, an agency needs senior leaders who are drivers of continuous improvement. As Chairman of the NRC, how do you intend to motivate career employees, or any employees for that matter, to achieve excellence?

Response. As an educator, I have been involved in motivating students for over 25 years. The same concepts apply to motivating employees. Clear goals need to be established by senior management and yearly individual performance metrics should be established. Employees should be empowered and encouraged to make decisions, to be proactive, and to have a strong sense of personal responsibility. If confirmed, there are two programs used at DoD that I intend to evaluate their applicability at the NRC: Lean Six Sigma for Service and Crucial Conversations.

Question 7. High-performance organizations draw on the strengths of employees at all levels and maintain honest two-way communications. Based on your experience, how would you assess your Agency's capability for two-way communication, and what preliminary ideas do you have to promote such communication in your Agency?

Response. My experience in the past on previous commissions and in the university system has well positioned me to promote communications to achieve consensus with respect to ideas. The best way to enhance honest two-way conversations is by having a system in place that encourages such communications. However, equally important as having a system is how it is implemented and tracked. All the NRC Commissioners need to have an "open door" policy for communications, especially the Chairman. The NRC staff should always feel that their views are heard because, at the working level, the staff are often more knowledgeable on issues to be addressed.

RESPONSES BY DALE KLEIN TO ADDITIONAL QUESTIONS FROM SENATOR BOXER

Question 1. California's San Onofre nuclear plant is in close proximity to earthquake faults. If confirmed, what will you do to ensure that nuclear facilities are well-protected against earthquakes?

Response. The NRC has stringent safety requirements involving earthquakes at all licensed facilities, and any new facility will be required to meet the Agency's strict standards with respect to that danger. If confirmed, ensuring the safety of existing and new facilities will be a top priority.

Question 2. A March 2006 report by the Government Accountability Office (GAO) concluded that there is considerable room for improvement in the NRC's activities to promote nuclear plant security. Do you believe that the NRC and nuclear plant owners and operators could do a better job ensuring nuclear plant security? What improvements to the existing measures do you support?

Response. The safety and security of all facilities is vital to our Nation. Since September 11, 2001, I understand that the NRC and the industry have made great strides in increasing security at the facilities. Not only do the plant operators and the NRC have a role, I believe security is a shared responsibility. Local, State and Federal officials all have a role to play in nuclear plant security. If confirmed, I look forward to reviewing the security measures taken to date.

RESPONSES BY DALE KLEIN TO ADDITIONAL QUESTIONS FROM SENATOR OBAMA

Question 1. At the Braidwood facility in Will County, IL, the failure to monitor and control the release of radioactive materials into the groundwater would appear to be a violation of 10 CFR 50.36a. (a) Why has this regulation not been enforced? (b) Does the NRC plan to take any actions against Exelon for failure to notify the public of the tritium releases in 1998 and 2000? (c) When instances of failure to notify the public occur, what processes are in place at NRC to deter future occurrence of such instances by licensees?

Response. While I have not been fully briefed on this matter, I believe transparency with the public is key. If confirmed, I will be briefed on the inspection report and discuss this matter with all involved. I pledge to you that the NRC will provide the appropriate oversight on this issue.

Question 2. If you are confirmed for this position, will you commit to supporting mandatory public disclosure of unplanned releases, as I have suggested in S. 2348?

Response. I support early public disclosure even if safety is not an issue. I am not fully knowledgeable of the pros and cons of mandatory public disclosure. If confirmed, I look forward to working closely with you and your staff on this issue.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable James M. Inhofe, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Marty Hall: Deputy Staff Director) as soon as possible.

Name of Nominee: Dr. Dale E. Klein

Business Address: 3050 Defense Pentagon, Room 3C553, Washington, DC 20301-3050

Business Phone: 703-697-1771

Home Address:

Arlington, VA 22201

Home Phone:

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name:
Klein (Last) Dale (First) Edward (Middle)

Position to which nominated: Commissioner of the Nuclear Regulatory Commission and upon confirmation, designated as the Chairman of the Nuclear Regulatory Commission

Date of Nomination: April 27, 2006

Date of birth: 6 July 1947 (Day) (Month) (Year) **Place of birth:** Clarksburg, MO

Marital status: Married **Full name of spouse:** Rebecca Anne Klein (maiden name Armendariz)

Name and ages of children: None

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Tipton High School	1961-1965	High School Diploma	
University of Missouri – Columbia	1965-1970	B.S.	1970
University of Missouri - Columbia	1970-1971	M.S.	1971
University of Missouri - Columbia	1973-1977	PhD	1977

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

ACADEMIC POSITIONS

Professor of Mechanical Engineering (Nuclear Program), The University of Texas at Austin, September 1990 to present. (Leave of absence from tenured academic position since November 2001.)

Associate Professor of Mechanical Engineering (Nuclear Program), The University of Texas at Austin, September 1982 to August 1990.
Assistant Professor of Mechanical Engineering (Nuclear Program), The University of Texas at Austin, January 1977 to August 1982.

ADMINISTRATIVE POSITIONS—The University of Texas System

Vice Chancellor for Special Engineering Programs, September 1998 to November 2001.
Associate Vice Chancellor for Special Engineering Programs, September 1995 to August 1998.
Executive Director and Chairman of the Board, Amarillo National Research Center, November 1994 to November 2001.

ADMINISTRATIVE POSITIONS—The University of Texas at Austin

Associate Dean for Research and Administration, College of Engineering, September 1993 to August 1996.
Director, Center for Technology Development and Transfer, August 1989 to August 1996.
Associate Dean for Research, College of Engineering, September 1988 to August 1993.
Technical Director, Bureau of Engineering Research, College of Engineering, September 1988 to August 1996.
Deputy Director, Center for Energy Studies, September 1986 to August 1988.
Head of Nuclear Program, Center for Energy Studies, January 1979 to August 1988.
Director, Nuclear Engineering Teaching Laboratory, September 1978 to June 1989.
Associate Director, Nuclear Engineering Teaching Laboratory, November 1977 to August 1978.

OTHER PROFESSIONAL ASSIGNMENTS

Member, Texas Radiation Advisory Board (appointed by Governor George W. Bush), June 1997 to November 2001.
Commissioner, United States Congressional Monitored Retrievable Storage Review Commission, March 1988 to December 1989.
Teaching/Research Assistant, Nuclear Engineering, University of Missouri-Columbia, January 1973 to August 1977.
Engineer in Fuel Element Design and Development Department, General Atomic, San Diego, California, May to August 1974.
Summer Engineering Practice School, Argonne National Laboratory, Chicago, Illinois, June to August 1973.
Design Engineer, Procter & Gamble, Cincinnati, Ohio, June 1971 to April 1972 and June to August 1970.
Design Engineer, IBM, New York, June to August 1969.

November 2001 to Present: Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense, The Pentagon, Washington, DC.

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

See attached List - A

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
ASME – American Society of Mechanical Engineers - member & fellow		about 1972-present
ANS – American Nuclear Society - member & fellow		about 1977-present
ASEE – American Society for Engineering Education - member		about 1995-present
NSPE – National Society of Professional Engineers - member		about 1978-present
TSPE – Texas Society of Professional Engineers – member		about 1978-present
IC2 – Innovation, Creativity and Capital - member & Centennial Fellow		1990-present
Pi Tau Sigma – member		about 1969-present
Tau Beta P - member		about 1969-present
Omicron Delta Kappa - member		about 1970-present
Pi Mu Epsilon - member		about 1969-present
Phi Kappa Pi - member		about 1972-present
TRAB – Texas Radiation Advisory Board – Chairman		1997-2001
ARDT – Advocates for Responsible Disposal in Texas - Board Member		about 1995-2001
DOE – Department of Energy, Nuclear Energy Research Advisory Committee – member		about 1995-present
TCET – Texas Council on Environmental Technology – volunteer appointment by Governor	Rick Perry	about 1998-2001

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

Ph.D in Nuclear Engineering
Administrative experience at The University of Texas at Austin, The University of Texas System and the Department of Defense as the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

yes, as appropriate for a Presidential Appointee

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

Plan to return to The University of Texas at Austin as a faculty member in the College of Engineering.

3. Has anybody made a commitment to you for a job after you leave government?

None, other than my leave of absence from my tenured academic position

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

yes

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Currently a Presidential Appointee (Senate confirmed) and plan to stay in this position. If confirmed as a Commissioner of the Nuclear Regulatory Commission, I will resign my current position.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

none

2. Are any assets pledged?

no

3. Are you currently a party to any legal action?

no

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

yes

5. Has the Internal Revenue Service ever audited your Federal tax return? if so, what resulted from the audit?

Have been audited by the IRS several times. No significant changes in any audits.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

none

2. List any investments, obligations, liabilities, or other relationships that might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

none

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

The only perceived conflict might result from the research reactor at The University of Texas at Austin licensed by the Nuclear Regulatory Commission.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

Would not participate in any license activity for The University of Texas at Austin.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

See attached letter.

**Political affiliatio
and activities:**

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

No offices held in any political party. Contributions: No single contribution over $1,000.

**Published
writings:**

List the titles, publishers and dates of any books, articles, or reports you have written.
(Please list first any publications and/or speeches that involve environmental or related matters.)

See attached list.

**Additional
Matters:**

1. If there is any additional information that you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

yes.

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

This fifth day of May, 2006

State of Virginia
County of Arlington

AFFIDAVIT

Susan F. Gill **ss**, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this fifth day of May, 2006.

SUSAN F. GILL
Notary Public

My commission expires 12/31/2009

List A

HONORS and AWARDS

The Eyes of Texas Excellence Award, The University of Texas at Austin (May 2001)

Certified Fellow, American Nuclear Society (1999-2000)

Faculty-Alumni Award, MU Alumni Association, University of Missouri-Columbia (1998)

Bob R. Dorsey Professorship in Engineering, College of Engineering, The University of Texas at Austin (1997-present)

Fluor Centennial Teaching Fellowship in Engineering No. 1, College of Engineering, The University of Texas at Austin

Missouri Honor Award for Distinguished Service in Engineering, College of Engineering, University of Missouri-Columbia (1996)

Joe J. King Professional Engineering Achievement Award, College of Engineering, The University of Texas at Austin (1995)

Engineering Foundation Award, College of Engineering, The University of Texas at Austin (1993, 1982 and 1979)

Texas Engineer of the Year, Texas Society of Professional Engineers (1992)

Richard Seaver Centennial Fellow, IC2 Institute, The University of Texas at Austin (1990-present)

Engineer of the Year, Travis Chapter of the Texas Society of Professional Engineers (1990)

Fellow, American Society of Mechanical Engineers (1988)

Order of Alec Award, College of Engineering, The University of Texas at Austin (1988)

Faculty Leadership Award – Department of Mechanical Engineering, The University of Texas at Austin (1988)

Outstanding Service Award, Pi Tau Sigma (1988)

Edwin F. Church Medal, ASME (1988)

Outstanding Service Award, Travis Chapter, TSPE (1985)

Certification of Recognition, Travis Chapter, TSPE (1985)

HONORS and AWARDS – *List A* (con't)

Outstanding Service Award, UT Chapter, Pi Tau Sigma (1985)

Continuous Outstanding Service Award, Central Texas Section, ASME (1984-85)

Certificate of Appreciation, ASME (1982)

Young Engineer of the Year, Travis Chapter, TSPE (1982)

Outstanding Service Award, Central Texas Section, ASME (1980-81 and 1978-79)

Certificate of Governance, American Nuclear Society (1978-79)

Who's Who in America

Who's Who in American Colleges and Universities

Who's Who in Technology

American Men and Women of Science

Who's Who in Science

Who's Who in Engineering

Lexington Who's Who

REVIEWED / REFEREED PUBLICATIONS

1. "Flow Visualization Around GCFR Fuel Rod Roughness Elements," *Transactions of the American Nuclear Society*, Vol. 28, pp. 537-539, San Diego, California, June 1978 (with S.R. Bull and J.B. Miles).

2. "Pressure Drop Measurements for GCFR Fuel Rod Roughness Elements," *Transactions of the American Nuclear Society*, Vol. 30, pp. 532-534, Washington, DC, November 1978 (with S.R. Bull and J.B. Miles).

3. "Slope and Intercept of the Dimensionless Velocity Profile for Artificially Roughened Surfaces," *International Journal of Heat and Mass Transfer*, Vol. 23, pp. 135-140, February 1980 (with S.A. Hodge and J.P. Sanders).

4. "An Assessment of Accident Thermal Testing and Analysis Procedures for Radioactive Materials Shipping Package," *ASME*, 80-HT-38, April 1980 (with R.B. Pope, H.R. Yoshimura, and J.E. Hamann).

5. "Pressure Drop Measurements and Flow Visualization Surrounding Roughness Elements," *Journal of Energy*, AIAA 80-4076, Vol. 4, No. 3, pp. 112-119, May-June 1980 (with J.B. Miles and S.R. Bull).

6. "ANS Student Involvement in Public Information – University of Texas at Austin," *Transactions of the American Nuclear Society*, Vol. 34, pp. 68-69, Las Vegas, Nevada, June 1980 (invited).

7. "Modelling of Pool Fire Environments Using Experimental Results of a Two-Hour Test of a Railcar/Cask System," *PATRAM '80 Proceedings*, Vol. II, pp. 1081-1089, Berlin, FRG, November 1980 (with J.E. Hamann, R.B. Pope, and H.R. Yoshimura).

8. "Synthetic Fuel Production Utilizing Texas Lignite and a VHTR for Process Heat," *Transactions of the American Nuclear Society*, Vol. 35, pp. 443-445, Washington, D.C., November 1980 (with M.A. Ross).

9. "Finite Element Solution of Combined Radiative, Convective, and Conductive Heat Transfer Problems," *Transactions of the American Nuclear Society*, Vol. 38, pp. 334-336, Miami Beach, Florida, June 1981 (with M.M. Razzaque and J.R. Howell).

10. "A Modified Numerical Scheme for GCFR Flow Transient Analysis," *Transactions of the American Nuclear Society*, Vol. 39, pp. 506-508, November 1981 (with T.L. Sanders).

11. "Synthetic Fuel Production Using Texas Lignite and a Very High Temperature Reactor for Process Heat," *Nuclear Technology*, Vol. 56, No. 3, pp. 454-464, March 1982 (with M.A. Ross).

REVIEWED / REFEREED PUBLICATIONS (continued)

12. "Radiative Heat Transfer Through a Randomly Packed Bed of Spheres by the Monte Carlo Method, "*ASME* 82-HT-5, *AIAA/ASME Third Joint Thermophysics, Fluids, Plasma & Heat Transfer Conference*, St. Louis, Missouri, June 1982. Also, *Journal of Heat Transfer*, Vol. 105, No. 2, pp. 325-332, May 1983 (with Y.S. Yang and J.R. Howell).

13. "Finite Element Solution of Heat Transfer for Gas Flow Through a Tube," *AIAA Journal*, AIAA 82-4159, Vol. 20, No. 7, pp. 1015-1019, July 1982 (with M.M. Razzaque and J.R. Howell).

14. "Transient Thermal-Hydraulic Analysis Using a Modified Version of COBRA IV," 82-IHTC-104, *7th International Heat Transfer Conference*, Munich, Germany, September 1982 (with T.L. Sanders).

15. "Monte Carlo Simulation of Thermal Conduction Through a Randomly Packed Bed of Spheres," 82-IHTC-91, *7th International Heat Transfer Conference*, Munich, Germany, September 1982 (with Y.S. Yang and J.R. Howell).

16. "Comparison Analyses of Severe Flow Blockages for Computational Efficiency Using COBRA," *Proceedings from Gas-Cooled Reactors Today Conference*, Vol. 3, pp. 211-216, British Nuclear Energy Society, London, England, September 1982 (with T.L. Sanders).

17. "Finite Element Solution of Radiative Heat Transfer in a Two-Dimensional Rectangular Enclosure with Gray Participating Media," ASME 82-WA/HT-51, *ASME Annual Meeting*, Phoenix, Arizona, November 1982. Also, *Journal of Heat Transfer*, Vol. 105, No. 4, pp. 933-936, November 1983 (with M.M. Razzaque and J.R. Howell).

18. "Coupled Radiative and Conductive Heat Transfer in a Two-Dimensional Rectangular Enclosure with Gray Participating Media Using Finite Elements," *ASME/JSME Thermal Engineering Joint Conference Proceedings*, Vol. 4, pp. 41-48, Honolulu, Hawaii, March 1983. Also, *Journal of Heat Transfer*, Vol. 106, No. 3, pp. 613-619, August 1984 (with M.M. Razzaque and J.R. Howell).

19. "Characterization of Product Buildup in Continuously Processed Molten-Salt Fusion Breeder Blankets," *Transactions of the American Nuclear Society*, Vol. 45, pp. 626-628, San Francisco, California, October 1983 (with F.A. Patterson-Hine and J.W. Davidson).

20. "Contributions to the Thermal Power of Continuously Processed TMHR Molten Salt Blankets," *10th Symposium on Fusion Engineering*, Philadelphia, Pennsylvania, December 1983 (with F.A. Patterson-Hine and J.W. Davidson).

REVIEWED / REFEREED PUBLICATIONS (continued)

21. "A Finite Element Analysis of Incompressible Laminar and Turbulent Flow with Heat Transfer," *Proceedings of the 5th International Symposium on Finite Elements and Flow Problems*, pp. 243-247, The University of Texas at Austin, Austin, Texas, January 1984 (with G.F. Polansky and J.P. Lamb).

22. "Preconcentration Methods of Trace Elements in Water for EDXRF and INAA," *Proceedings of the 5th International Conference on Nuclear Methods in Environmental and Energy Research*, pp. 154-164, Mayaguez, Puerto Rico, April 1984 (with M. Ally and T.L. Bauer).

23. "Student ANS Branch Involvement in Public Information," *Transactions of the American Nuclear Society*, Vol. 46, pp. 39-40, New Orleans, Louisiana, June 1984 (with W.H. Miller, invited).

24. "A Liquid Metal Facility for the Analysis of Phenomena Related to the Magnetohydrodynamics of Fusion Related Systems," *Sixth Topical Meeting on the Technology of Fusion Energy*, pp. 30-31, San Francisco, California, March 1985 (with T.L. Sanders and M.E. Crawford).

25. "A Liquid Metal Facility for the Analysis of MHD Effects in Fusion-Related Systems," *Fusion Technology*, Vol. 8, No. 1, pp. 251-256, July 1985 (with T.L. Sanders and M.E. Crawford).

26. "Magnetohydraulic Flow Through the Pebble Bed Blanket of a Fusion-Fission Hybrid Reactor," *Proceedings of the 11th Symposium on Fusion Engineering*, Vol. 1, pp. 549-552, Austin, Texas, November 1985 (with T.L. Sanders and M.E. Crawford).

27. "Characterization of the Effects of Continuous Salt Processing on the Performance of Molten Salt Fusion Breeder Blankets," *Journal of Fusion Energy*, Vol. 4, No. 6, pp. 367-380, 1985 (with F.A. Patterson-Hine, J.W. Davidson, and J.D. Lee).

28. "Determination of 28 Elements in American Cigarette Tobacco by Neutron Activation Analysis," *Analyst*, Vol. 111, pp. 107-109, January 1986 (with F.Y. Iskander and T.L. Bauer).

29. "Determination of Trace and Minor Elements in Cigarette Paper by Neutron Activation Analysis," *Tappi Journal*, Vol. 69(5), pp. 134-135, May 1986 (with F.Y. Iskander and T.L. Bauer).

30. "Benchmarking the Q/TRAN Thermal Analysis Computer code," *PATRAM '86 Proceedings*, IAEA-SM-286/95P, Vol. 2, pp. 465-474, Davos, June 1986 (with R.D. Manteufel and H.R. Yoshimura).

REVIEWED / REFEREED PUBLICATIONS (continued)

31. "Evaluation of Patran and Q/Tran for Thermal Analyses of Shipping Containers," *Proceedings of the 1986 Patran Users Conference*, pp. 143-153, Newport Beach, California, June 1986 (with R.D. Manteufel and H.R. Yoshimura).

32. "Determination of Trace Element Impurities in Aspirin Tablets by Neutron Activation Analysis," *Journal of Radioanalytical and Nuclear Chemistry*, Vol. 97/2, pp. 353-357, 1986 (with F.Y. Iskander and T.L. Bauer).

33. "TRIGA Reactor Relocation at The University of Texas at Austin," *Transactions of the American Nuclear Society*, Vol. 55, p. 186, Los Angeles, California, November 1987 (invited).

34. "An Evaluation of a Translator for Finite Element Data to Resistor/Capacitor Data for the Heat Diffusion Equation," *ASME Winter Annual Meeting*, HTD-Vol. 88, pp.67-72, Boston Massachusetts, December 1987 (with R.D. Manteufel and H.R. Yoshimura).

35. "Finite Element Simulation of Recirculating Flows with Heat Transfer," *Communications in Applied Numerical Methods*, Vol. 3, pp. 17-22, 1987 (with G.F. Polansky and J.P. Lamb).

36. "Determination of Protein and 11 Elements in Six Milling Fractions of Two Wheat Varieties," *Cereal Chemistry*, Vol. 64, No. 4, pp. 285-287, 1987 (with F.Y. Iskander, M.M. Morad, and T.L. Bauer).

37. "Energy Savings by Use of Disk/Donut Baffling in Tubular Heat Exchangers," *Proceedings of the Tenth Annual Industrial Energy Technology Conference*, pp. 131-136, Houston, Texas, September 1988 (with J.J. Taborek and J.R. Fair).

38. "Plasma Physics Simulations of Alternative Modes of Operation for the IGNITEX Experiment," *Bulletin of the American Physics Society*, Vol. 33, p. 1970, October 1988 (with J. Hopf, R. Carrera, and E. Montalvo).

39. "Geochemistry of the Upper Cretaceous Clastic Sediments of Ifon Area, S.W. Nigeria," *Nigerian Journal of Mining and Geology*, Vol. 25, Nos. 1-2, pp. 11-24, 1989 (with T.R. Ajayi, F.Y. Iskander, and O.I. Asubiojo).

40. "Status and Projected Activities of the Monitored Retrievable Storage Review Commission," *Waste Management '89*, Vol. 1, pp. 13-20, Tucson, Arizona, February 1989.

41. "Preliminary Analysis of Radiological Hazards for the IGNITEX Fusion Ignition Experiment," *13th International Symposium on Fusion Engineering*, Vol. 1, pp. 724-727, Knoxville, Tennessee, October 1989 (with T.A. Parish, B. Shofolu, R. Carrera, N.E. Hertel, R. Charbeneau, and S. Fetter).

REVIEWED / REFEREED PUBLICATIONS (continued)

42. "Evaluation of the Probability of Ignition in the Fusion Ignition Experiment IGNITEX," *31st Annual Meeting Division of Plasma Physics*, Bull. Am. Phys. Soc., Vol. 34, p. 2146, November 1989 (with J. Hopf, E. Montalvo, R. Carrera and M.N. Rosenbluth).

43. "Comparison of the Nuclear Safety Aspects of a Fusion Ignition Experiment and a Fission Research Facility," *17th IEEE International Conference on Plasma Science*, IEEE 90-CH 2857-1, Vol. 94, Oakland, California, May 1990 (with T.A. Parish, G. Schlapper, R. Carrera and R. Charbeneau).

44. "Design and Analysis of the IGNITEX Approach for a Laboratory Fusion Experiment," *16th Symposium on Fusion Technology*, London, England, September 1990 (with R. Carrera, et al).

45. "MRS Commission Report—One Year Later," *Transactions of the American Nuclear Society*, 1990 Winter Meeting, pp. 59-60 (invited).

46. "Description of the Fusion Experiment IGNITEX," *IAEA 13th International Conference on Plasma Physics and Controlled Nuclear Fusion Research*, Washington, D.C., October 1990; IAEA-CN-53-G-2-4, 1991 (with R. Carrera, et al).

47. "Comparative Analysis of the Radiological Consequences of Routine Operation of a Fission Research Reactor Facility and the Fusion Ignition Experiment IGNITEX," *9th Topical Meeting on the Technology of Fusion Energy*, Oak Brook, Illinois, October 1990 (with R. Carrera, et al).

48. "Comparison of the Nuclear Safety Aspects of a Fusion Ignition Experiment and a Fission Research Facility," *Annual Meeting of the Society for Risk Analysis*, New Orleans, Louisiana, October 1990 (with R. Carrera, R.A. Parish, G. Schlapper and R. Charbeneau).

49. "Education—Path Towards Solution Regarding the Disposal of Spent Nuclear Fuel," *2nd Annual International High Level Radioactive Waste Management Conference*, Las Vegas, Nevada, May 1991 (invited).

50. "Thermal-Hydraulic Software Development for Nuclear Waste Transportation Cask Design and Analysis," *ASME National Heat Transfer Conference*, 91-HT-2, Minneapolis, Minnesota, July 1991 (with N.N. Brown, S.P. Burns, and S.E. Gianoulakis).

51. "Effectiveness of Pressure Drop to Heat Transfer Conversion for Various Shell-Side Flow Configurations," *ASME/JSME Thermal Engineering Proceedings*, ASME Winter Meeting, Tarrytown, New York, Vol. 4, 1991 (with A. Sharif and J.R. Howell).

REVIEWED / REFEREED PUBLICATIONS (continued)

52. "Validation of the Texsan Thermal-Hydraulic Analysis Program," *High Level Radioactive Waste Management 3rd International Conference* (invited), Las Vegas, Nevada, April 1992 (with S.P. Burns).

53. "Combined Natural Convection and Surface Radiation in the Annular Region Between a Volumetrically Heated Inner Tube and a Finite Conducting Outer Tube," *Proceedings of the 3rd International Conference on High Level Radioactive Waste Management* (invited), Las Vegas, Nevada, April 1992 (with S.E. Gianoulakis).

54. "Nuclear Energy—An Environmental Solution for the 21st Century," *Energy 2001 Conference* (invited), Oklahoma City, Oklahoma, April 1992.

55. "Heat Transfer Measurements on a Ribbed Surface at Constant Heat Flux Using Infrared Thermography," *International Journal of Experimental Heat Transfer*, Vol. 6, pp. 17-34, January 1993 (with D.A. Aliaga and J.P. Lamb).

56. "The Development and Benchmarking of an Analytical Moisture Separation Model for Boiling Water Reactors," *2nd International Conference on Nuclear Engineering, General Thermal Hydraulics Session* (invited), San Francisco, California, March 1993 (with S.J. Manson and R.E. Canaan).

57. "A Numerical Analysis of Spent Nuclear Fuel Thermal Characteristics," *High Level Radioactive Waste Management 4th International Conference* (invited), Las Vegas, Nevada, April 1993 (with S.P. Burns and R.E. Canaan).

58. "A Homogeneous Equilibrium Model for Analysis of Spent Fuel Shipping Containers," *High Level Radioactive Waste Management 4th International Conference* (invited), Las Vegas, Nevada, April 1993 (with S.J. Manson).

59. "Validation of the TEXSAN Thermal-Hydraulic Analysis Program," *Nuclear Technology*, Vol. 104, No. 2, pp. 157-163, November 1993 (with S.P. Burns).

60. "Combined Natural Convection and Surface Radiation in the Annular Region Between a Volumetrically Heated Inner Tube and a Finite Conducting Outer Tube," *Nuclear Technology*, Vol. 104, No. 2, pp. 241-251, November 1993 (with S.E. Gianoulakis).

61. "Convection Heat Transfer Distributions over Plates with Square Ribs from Infrared Thermography Measurements," *International Journal of Heat and Mass Transfer*, Vol. 37, No. 3, pp. 363-374, February 1994 (with D.A. Aliaga and J.P. Lamb).

62. "Constant Flux, Turbulent Convection Data Using Infrared Imaging," *International Journal of Heat and Mass Transfer* (Technical Notes), Vol. 37, No. 3, pp. 535-539, February 1994 (with A.H.W. Lee and J.P. Lamb).

REVIEWED / REFEREED PUBLICATIONS (continued)

63. "Assessment of the Swartz-Wendroff Finite Element Formulation for Combined Mode Heat Transfer," *6th AIAA/ASME Thermophysics and Heat Transfer Conference*, Colorado Springs, Colorado, June 1994 (with S.P. Burns and J.R. Howell).

64. "The Benchmarking of a Homogeneous Equilibrium Model for Analysis of Spent-Fuel Shipping Containers," *Nuclear Technology*, Vol. 108, No. 3, pp. 379-386, December 1994 (with S.J. Manson).

65. "Empirical Evaluation of an Important Approximation for Combined-Mode Heat Transfer in a Participating Medium Using the Finite-Element Method," *Numerical Heat Transfer Part B*, Vol. 27, pp. 309-322, April/May 1995 (with S.P. Burns and J.R. Howell).

66. "Measuring Thermal Properties of Spent Nuclear Fuel," *Measurements & Control*, Issue 173, pp. 112-123, October 1995 (with R.E. Canaan).

67. "What To Do With 50,000 Nuclear Weapons?" *Proceedings of the 1995 International Joint Power Generation Conference*, NE-Vol. 17, pp. 11-17, Minneapolis, Minnesota, October 1995.

68. "An Experimental Investigation of Natural Convection Heat Transfer within Horizontal Spent-Fuel Assemblies," *Nuclear Technology*, Vol. 116, No. 3, pp. 306-318, December 1996 (with R.E. Canaan).

69. "Liquid to Gas Differential Pressure Transmitter with Small Hydrostatic Error," *Review of Scientific Instruments*, Vol. 68, Issue 12, December 1997 (with J.D. McWhirter and M.E. Crawford).

70. "Model for Inertialess Magnetohydrodynamic Flow in Packed Beds," *Fusion Technology*, Vol. 33, No. 1, pp. 22-30, January 1998 (with J.D. McWhirter, M.E. Crawford, and T.L. Sanders).

71. "Numerical Analysis of a Contained Explosion Event in the Pantex Cells," *Proceedings of the 6th International Conference on Nuclear Engineering*, ICONE-6093, San Diego, California, May 1998 (with S.J. Manson).

72. "A Numerical Investigation of Natural Convection Heat Transfer Within Horizontal Spent-Fuel Assemblies," *Nuclear Technology*, Vol. 123, No. 2, pp. 193ff, August 1998 (with R.E. Canaan).

73. "Axial Pressure Distribution in the Entrance Region of Packed Beds of Spheres," *Journal of Fluids Engineering*, Vol. 120, No. 3, pp. 631-634, September 1998 (with J.D. McWhirter and M.E. Crawford).

74. "Magnetohydrodynamic Flows in Porous Media II: Experimental Results," *Fusion Technology*, Vol. 34, No. 3, Part 1, pp. 187-197, November 1998 (with J.D. McWhirter and M.E. Crawford).

REPORTS

1. "Effects of Surface Heat Loss on Thermal Plumes from Power Plants," Argonne Practice School, Argonne National Laboratory, 1973.

2. "Evaluation of Transformation Methods for Rough Rods Tested in an Annulus," 1974 General Atomic, 741113226 GCFR.

3. "Investigation of Boundary Layer Phenomena for Flow over Roughness Elements," A Report to General Atomic Company, San Diego, California (Contract #549 160), University of Missouri-Columbia, 1977.

4. 1979 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

5. "Nuclear Problems and Prospects," *National Energy Policy Issues*, Council on Energy Resources, The University of Texas at Austin, May 1979.

6. "Commercial Nuclear Power Generation," *National Energy Policy Issues*, Council on Energy Resources, The University of Texas at Austin, June 1979 (with H.H. Woodson and J.W. Davidson).

7. "Determination of Friction Factors and Heat Transfer Coefficients for Flow Past Artificially Roughened Surfaces," ORNL-5599, November 1979 (with S.A. Hodge and J.P. Sanders).

8. 1980 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

9. "Synthetic Fuel Production Using Texas Lignite and a Very High Temperature Gas-Cooled Reactor for Process Heat and Electrical Power Generation," Center for Energy Studies, The University of Texas at Austin, Research Report No. 13, May 1981 (with M.A. Ross).

10. 1981 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

11. "Finite Element Solution of Radiative Heat Transfer in a Two-Dimensional Rectangular Enclosure with Gray Participating Media," Texas Atomic Energy Research Foundation Project, Report No. 34, April 1982 (with M.M. Razzaque and J.R. Howell).

12. 1982 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

REPORTS (continued)

13. "Peer Review of the Preliminary Design and Program Interfaces for the Transuranic Waste Package Transporter (TRUPACT)," Sandia Report, SAND81-2405, June 1982 (with J.A. Andersen, et al).

14. "Characterization of Product Buildup in Continuously Processed Molten Salt Fusion Breeder Blankets," Texas Atomic Energy Research Foundation Project, Report No. 36, April 1983 (with F.A. Patterson-Hine and J.W. Davidson).

15. "Experimental Investigation of the Effects of a Transverse Magnetic Field for a Liquid Metal Flowing Through a Packed Bed of Spheres," Texas Atomic Energy Research Foundation Project, Report No. 36, April 1983 (with T.L. Sanders and M.E. Crawford).

16. 1983 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

17. "Contributions to the Thermal Power of Continuously Processed TMHR Molten Salt Blankets," Texas Atomic Energy Research Foundation Project, Report No. 37, October 1983 (with F.A. Patterson-Hine).

18. "Experimental Investigation of the Effects of a Transverse Magnetic Field on the Flow of a Liquid Metal Through a Packed Bed of Electrically Conducting Spheres," Texas Atomic Energy Research Foundation Project, Report No. 37, October 1983 (with T.L. Sanders and M.E. Crawford).

19. 1984 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

20. "Experimental Investigation of the Effects of a Transverse Magnetic Field on the Flow of a Liquid Metal Through a Packed Bed of Electrically Conducting Spheres," Texas Atomic Energy Research Foundation Project, Report No. 38, April 1984 (with T.L. Sanders, L. Grater, and M.E. Crawford).

21. "A Liquid Metal Facility for the Analysis of Phenomena Related to the Magnetohydrodynamics of Fusion Related Systems," Texas Atomic Energy Research Foundation Project, Report No. 39, October 1984 (with T.L. Sanders and M.E. Crawford).

22. "Toxic and Other Elements in American Cigarette Tobacco Compared with International Brands," 17th Annual Meeting of the Texas Association for Radiation Research (invited), Denton, Texas, November 1984 (with F.Y. Iskander and T.L. Bauer).

23. 1985 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

REPORTS (continued)

24. "Magnetohydraulic Flow Through the Pebble Bed Blanket of a Fusion-Fission Hybrid Reactor," Texas Atomic Energy Research Foundation Project, Report No. 40, April 1985 (with T.L. Sanders and M.E. Crawford).

25. "Protein and Nutritional Elements Content in Texas Wheat," 18th Annual Meeting of Texas Association for Radiation Research, San Antonio, Texas, November 1985 (with F.Y. Iskander, T.L. Bauer, and M.M. Morad).

26. 1986 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

27. "Thermal Analysis of a Spent-Fuel Railcar Shipping Cask in an Engulfing Fire," Final Report to Sandia National Laboratories, Contract No. 42-0841, May 1987 (with J.E. Hamann).

28. 1987 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

29. "Benchmark Analysis of Q/TRAN," Final Report to Sandia National Laboratories, August 1988 (with R.D. Manteufel).

30. 1988 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

31. "Proposal for the Environmental Evaluation and Site Analysis for a Fusion Ignition Experiment," Center for Fusion Engineering Report, The University of Texas at Austin, July 1989 (with T. Parish).

32. "Fusion Ignition Experiment (IGNITEX)," Texas Atomic Energy Research Foundation Project, Report No. 49, November 1989 (with R. Carrera, et al).

33. "Nuclear Waste: Is There a Need for Federal Interim Storage?" MRS Commission Report, November 1989 (with A. Radin and F. Parker).

34. "Fusion Ignition Experiment (IGNITEX)," Texas Atomic Energy Research Foundation Project, Report No. 50, May 1990 (with R. Carrera, et al).

35. "Evaluation and Validation of Q/TRAN," Final Report to Sandia National Laboratories, Contract No. 21-6945, November 1990 (with R.D. Manteufel and H.R. Yoshimura).

36. "Fusion Ignition Experiment (IGNITEX)," Texas Atomic Energy Research Foundation Project, Report No. 51, October 1990 (with R. Carrera, et al).

REPORTS (continued)

37. "The Ignitex Concept for a Fusion Ignition Experiment," Center for Fusion Engineering Report CFER-488, The University of Texas at Austin, April 1991 (with R. Carrera, et al).

38. "UT Austin Committee to Assess the National Energy Strategy, Final Report," to the Governor's Energy Office, November 1991 (as a member of the UT Austin Committee and with other contributing authors).

39. "The Railplug," *Discovery*, The University of Texas at Austin, Vol. 13, No. 1, pp. 23-27, February 1993 (with J.E. Hamann).

40. "The Architecture of the Energy System and Energy RD&D: A Look at the Building as Well as the Bricks," United States Energy Association, February 1993 (as a member of the Energy Research Committee).

41. "Disposing of Weapons-Grade Plutonium," The Center for Strategic and International Studies, March 1998 (as a member of the Senior Policy Panel on the Safe, Timely, and Effective Disposal of Surplus U.S. and Russian Weapons-Grade Plutonium).

BOOKS / CHAPTERS

1. *Proceedings of the International Conference on Nuclear Waste Transmutation*, Co-Editor with J. Wiley Davidson, The University of Texas Press, March 1981.

2. "Nuclear Energy," a chapter in *Encyclopedia of Chemical Processing and Design*, edited by J.J. McKetta, Marcel Dekker, Inc., New York and Basel, Switzerland, 1990.

SELECTED OPEDs, MAGAZINE ARTICLES AND NEWSPAPER INTERVIEWS
(Titles listed are those used by the newspapers)

1. "Nuclear Perspective," *Energy 1986*, Vermont Yankee Nuclear Power Corporation, 1986.

2. "Save the Nuclear Energy Option," *Chicago Tribune*, Chicago, Illinois, April 7, 1986.

3. "Nuclear Safety Vigilance," *St. Louis Post-Dispatch*, St. Louis, Missouri, May 31, 1986.

4. "U.S. Nuclear Chernobyl Accident Unlikely," *Austin American-Statesman*, Austin, Texas, June 7, 1986.

5. "Don't Let OPEC Get Away with its Strategy," *Houston Chronicle*, Houston, Texas, August 21, 1986.

6. "Who's Running the Energy Show?" *The Union Leader*, Manchester, New Hampshire, August 28, 1986.

7. "Energy Diversification Keeps OPEC Wolf From Door," *The Atlanta Constitution*, Atlanta, Georgia, October 7, 1986.

8. "Where Do We Go When the Well Runs Dry?" *Houston Chronicle*, Houston, Texas, October 20, 1986.

9. "The Electrical Utilities are Hogtied by Red Tape," *The Philadelphia Inquirer*, Philadelphia, Pennsylvania, November 30, 1986.

10. "But What Will We Do About Energy?" *The Houston Post*, Houston, Texas, April 7, 1987.

11. "Where the Next Oil Crisis Will Crunch," *The Plain Dealer*, Cleveland, Ohio, April 7, 1987.

12. "Oil, Energy and the Persian Gulf," *Chicago Tribune*, Chicago, Illinois, July 23, 1987.

13. "U.S. Energy Policy Needed to Combat Mideast Volatility," *The Atlanta Constitution*, Atlanta, Georgia, July 31, 1987.

14. "For the Lack of an Energy Policy...," *Houston Chronicle*, Houston, Texas, August 20, 1987.

15. "Expert Pushes for More Nuclear Power," *The Vindicator*, Youngstown, Ohio, November 11, 1987.

SELECTED OPEDS (continued)

16. "The Electric Answer in the U.S.," *The Journal of Commerce*, January 11, 1988.

17. " 'Defense in Depth' Design Guards Nuclear Plants," *Corpus Christi Caller-Times*, Corpus Christi, Texas, February 21, 1988.

18. "Nuclear Power Should Be Part of National Policy, Says Energy Awareness Spokesman," *Shreveport Journal*, Shreveport, Louisiana, May 31, 1988.

19. "Now is the Time to Begin Altering 'Greenhouse Effect'," *Post-Bulletin*, Rochester, Minnesota, September 5, 1988.

20. "3-Mile Island After Atom's Eve," *Austin American-Statesman*, Austin, Texas, March 28, 1989.

21. "Galileo and the Nay-Sayers," *The Journal of Commerce*, November 10, 1989.

22. "A Need to See Space Ourselves," *The Tuscaloosa News*, Tuscaloosa, Alabama, November 17, 1989.

23. "Providing Power for the Future," *The Houston Post*, Houston, Texas, February 18, 1990.

24. "Solar, Nuclear Power Will Meet Challenges," *Austin American-Statesman*, Austin, Texas, March 1, 1990.

25. "Team Solar and Nuclear," *Express News*, San Antonio, Texas, March 1, 1990.

26. "Nation is Headed for an Energy Crisis," *Corpus Christi Caller-Times*, Corpus Christi, Texas, April 28, 1990.

27. "Interim Nuclear Storage," *The Plain Dealer*, Cleveland, Ohio, December 21, 1990.

28. "We Need a Temporary Solution," *The Christian Science Monitor*, Boston, Massachusetts, December 28, 1990.

29. "Nuclear Waste Policy Act Flawed," *Austin American-Statesman*, Austin, Texas, January 4, 1991.

30. "A Solution to Storing Nuclear Wastes," *Casper Star-Tribune*, Casper, Wyoming, February 4, 1991.

31. "Nuclear Waste Storage Needed," *Dallas Times Herald*, Dallas, Texas, February 11, 1991.

32. "Change the Laws on Nuclear Waste," *Sunday Times Union*, Albany, New York, March 3, 1991.

SELECTED OPEDS (continued)

33. "Nuclear-Industry Advocate Discounts Risks," *The Virginian-Pilot*, Norfolk, Virginia, February 16, 1994.

34. "U.S. Needs Nuclear Waste Facility," *Austin American-Statesman*, October 7, 1994.

35. "Temporary Facility Needed to Store Spent Nuclear Fuel," *Houston Chronicle*, Houston, Texas, October 30, 1994.

36. "Another View—Yucca Mountain Project," *The Health Physics Society's Newsletter*, July 1995.

37. "Hudspeth County and the Texas Low-Level Radioactive Waste Disposal Authority," *Texas Professional Engineer*, Vol. 55, No. 5, p. 9, March/April 1996.

38. "DOE's Plan for Plutonium Disposal Commended," *Amarillo Globe-Times*, Amarillo, Texas, February 10, 1997.

39. " 'Dual Track' is Best Way to Dispose of Plutonium," *Dallas Morning News*, Dallas, Texas, March 9, 1997.

40. "Study of Pantex Seeks to Determine Risks to Panhandle's Environment," *Amarillo Sunday News-Globe*, Amarillo, Texas, February 1, 1998.

41. "Site for Radioactive Waste Passes Muster," *Dallas Morning News*, Dallas, Texas, September 10, 1998.

42. "Proposed Waste Site is Safe, Suitable," *Austin American-Statesman*, Austin, Texas, September 10, 1998.

43. "U.S. Toxic Register Statistics Too Vague," *Austin American-Statesman*, Austin, Texas, March 11, 1999.

44. "Toxic Tracking System Creates Controversy," *Houston Business Journal*, Houston, Texas, March 19, 1999.

45. "Environmental Improvements Require Solid Information," *The Beaumont Enterprise*, Beaumont, Texas, March 19, 1999.

46. "End of Cold War Doesn't End Need for Arsenal," *Amarillo News-Globe*, Amarillo, Texas, June 13, 1999.

47. "ANRC Study Seeks to Ensure Pit Storage Safety," *Amarillo News-Globe*, Amarillo, Texas, December 26, 1999

SELECTED OPEDS (continued)

48. "Managing Nuclear Materials after the Cold War" *Invited Speaker*, Lyndon B. Johnson School of Public Affairs, October 6, 1999

49. "Texas will speak on nuclear weapons," *The Ithaca Journal,* Ithaca, NY November 9, 1999

50. "The Disposition of 50,000 US and Russian Nuclear Weapons," *Invited Speaker, Nuclear Science and Engineering Seminar,* Ithaca, NY, November 10, 1999.

51. "Cold War's end puts heat on Russian economy," *Amarillo News-Globe,* Amarillo, Texas February 3, 2000.

EPA

United States Environmental Protection Agency | Office of Environmental Information (2843T) | EPA 260-R-04-001 January 2004

Business Case for Information Services: EPA's Regional Libraries and Centers

Prepared by Stratus Consulting
Contract No: GS-10F-0299K
EPA Order No: 3W-1518-NBLX
for
The EPA National Library Network
U.S. EPA Office of Environmental Information
Office of Information Analysis and Access
Information Access Division
Information Services Branch, Mail code 2843T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Project Lead: Richard Huffine
(202) 566-0703
huffine.richard@epa.gov
(202) 566-0669 fax

Table of Contents

I. Executive Summary 1

II. Background 1

III. Addressing New Challenges 2

IV. Drivers for Change 2

V. Methodology for the Business Case 3

VI. Key Assumptions and Metrics 4

VII. Summary of Key Activities and Services 5

VII.1 Research and Interpretation of Results 5

Table 1. Value of Research and Interpretation of Results 6

VII.2 Distribution of Information Resources 7

Table 2. Value of Distribution of Information Resources 8

VII.3 Selection and Acquisition for Collections 8

VII.4 Access to In-House and Remote Collections 10

VII.5 Management and Administration 11

VIII. Integrated Analysis of Costs and Benefits 12

Table 3. Integrated Analysis of Costs and Benefits 13

IX. Moving Ahead: Toward Optimization 14

X. Actions for Implementation 16

Exhibit 1. Annual Cost Summary 17

Exhibit 2. National Library Network FY2003 Statistical Summary 18

Exhibit 3. Hypothetical Distribution of Service and Activity 19

XI. Bibliography 20

XII. Referenced Sources 21

I. Executive Summary

The Environmental Protection Agency's network of regional libraries and environmental center libraries provides substantial value to the Agency, its professional staff, stakeholders, and the public. Calculated conservatively, the benefit-to-cost ratio for EPA library services ranges between 2:1 and 5.7:1. Libraries and librarians are nonetheless a significant investment, costing the Agency roughly $6.2 million annually to operate and maintain. It is an opportune time to initiate an Agency-wide dialog on the extent and nature of library services at the Environmental Protection Agency.

II. Background

Established in 1971, the Environmental Protection Agency's Library Network is composed of 28 libraries serving 10 regional offices, 2 research centers, 12 research laboratories, and 4 separate libraries in Headquarters. The libraries differ in function, scope of collections, extent of services, and organizational reporting structure. Each library also differs with respect to the amount of support they offer for public access; their use of new technologies; and their level of budgetary support. Each library supports a collection of materials that have been chosen over time. These collections contain a wide range of information resources on environmental protection and management; basic sciences such as biology and chemistry; applied sciences such as engineering and toxicology; environmental law and regulation; and issues unique to specific regions or ecologies.

The combined EPA collections include 504,000 books and reports, 3,500 journal titles, 25,000 maps, and 3,600,000 information objects on microfilm. The Online Library System (OLS) provides the shared catalog for all these resources and is available to both EPA staff and the public via the Internet. The EPA Web site, with over 60,000 PDF files indexed, provides searchable access to full text, on-line EPA documents. In addition, for EPA staff, the "Desktop Library" provides an electronic collection of over 430 mostly commercial information resources. It can be accessed by all Agency staff directly from their desktop computers via the Intranet. The Desktop Library (http://intranet.epa.gov/desktop) includes the full text of scientific and policy journals, reports, newspapers, reference works, and databases.

Separately, each library is charged with providing services to EPA staff and external users with access to their location. However, each library within the Network has always leveraged the capabilities of the other libraries to assist patrons with information not available at their own locations. This cooperation allows the Agency to extend the value of its materials and services to create an "institutional value" greater than the sum of its parts.

Finally, some libraries contain materials that the Agency must make publicly available under law. Two examples are the Regional National Priorities List Public Dockets and the risk management plans for chemical facilities.

III. Addressing New Challenges

Due to a number of factors, EPA's libraries are under pressure to transform the way they support their diverse customers. Technological changes, changes in the marketplace for commercial information resources, and budget uncertainties contribute to a dynamic and challenging business environment. The impact of how the Agency, its staff, and the public use the Internet as well as how service providers have addressed pricing models for online databases and other resources cannot be overstated. Every year EPA libraries must re-assess the value of their services and the costs of providing those services and determine which pricing models and vendors can best fit their mission priorities and patron preferences. At the same time, budgets have been unpredictable, but generally tight. These factors have resulted in growing disparities in the resources available to EPA staff based on their physical location and organizational commitment to information access.

This analysis reviews the costs and value of services currently being provided through the Agency's network of libraries and library centers. The goal is to structure and evaluate library resources and services in a manner that will enable internal stakeholders to conduct an informed dialog concerning whether and how to re-configure the library network to address challenges and better support EPA's mission.

IV. Drivers for Change

In recent years, the need to assess and re-position library business practices has become evident. The drivers for change that led to this review are:

- Information (as distinguished from data) is an asset that EPA must manage strategically;
- The Agency is shifting away from producing printed materials, yet lacks a controlled repository of either paper or electronic EPA documents;
- Physical space requirements for libraries are periodically reviewed, yet organizations rarely consider the value of collections beyond their own need;
- Budgets have become susceptible to quick and radical shifts, creating difficulty to collect and manage information on a continuing basis;
- Direct costs for libraries are increasing and cuts are often made without input from the customer EPA organizations;
- Agency organizations are purchasing information products/services on their own. Some examples are:
    - The Superfund program contracts outside of EPA libraries to do searches for potentially responsible parties;
    - Offices subscribe to print and online journals without coordinating purchases with libraries or others in the Agency;
    - Contracts are being competed that include research support duplicative of support services being provided by libraries; and
    - Web-based and other electronic information sources and search tools are perceived to be supplanting traditional library services. The availability of Internet search engines has caused some to question (a) the role of reference

librarians, and (b) the value of traditional library classification systems and controlled vocabularies.

Recognition of the drivers for change raises a number of crucial issues:

- The relationship between EPA libraries and other Agency information providers such as clearinghouses, hotlines, inter- and intranet sites, and public information centers. The Agency has never fully addressed how the public interacts with individual units or with the Agency as a whole; EPA libraries often act as the safety net, catching the most frustrated members of the public trying to find information or assistance.
- The relationship between print and online information resources. Questions being asked include:
  - To what extent should EPA convert Agency materials, including legacy documents, to electronic formats and therefore enhance both EPA's and the public's utilization of that information?
  - Who should lead the identification, conversion, and release of materials for such an effort?
  - Does the Agency have the infrastructure to support virtual libraries for staff working in the field or from home?
- The ongoing conflicting mandate for EPA's libraries to service both internal staff and the public.
- Accepting the need to adapt to changing staff and budget levels within the libraries, e.g., doing "more with less," are there potential funding models that maintain flexibility and focus while creating efficiencies?
- The need to support emerging mission priorities, such as the public's right-to-know, homeland security, and real-time information provision for situational analyses.
- The need to acquire specialized subject matter competence quickly in order support rapidly evolving issues; and
- The need to adopt new technologies and practices for serving customers (including virtual reference) without either the funds or technical support to do so.

V. Methodology for the Business Case

Before EPA internal stakeholders and library customers can address issues such as those outlined above, it is critical to characterize current library activities in terms of costs and benefits to the Environmental Protection Agency, its professional staff, external partners and stakeholders, and the public. This analysis was approached by means of a six-step process, outlined below:

Step 1 – EPA Library activities were classified into five core functional categories: (i) performing research and interpreting results for patrons, (ii) distribution of information and bibliographic resources to patrons, (iii) selection and acquisition of information products for paper and electronic collections, (iv) access to information collections both within and outside EPA, and (v) management and administration.[1] Each of the functional categories was described along with benefits derived to EPA through performance of those functions.

Step 2 – The Office of Environmental Information worked with an Agency-wide Working Group to conduct an resource survey which included two principal aspects: detailed breakdowns of (i) library labor and extramural costs; and (ii) activity levels and service volume.

Step 3 – Cost and service volumes were apportioned to the appropriate functional categories (as identified under step 1, above).[2]

Step 4 – A literature review was conducted to identify appropriate and tested metrics of library performance, focusing on time-savings and knowledge value-added to EPA research, business, and information products and decisions. Key metrics and associated assumptions are outlined in Section VI, below.

Step 5 – For each applicable functional category, available data on costs and service volume were combined with the metrics to develop provisional estimates of performance.

Step 6 – For each applicable functional category, available data on costs and benefits were compared to develop a provisional benefit/cost ratio.

Step 7 – Anecdotal evidence was supplied for those activities which support the Agency's mission but for which metrics were unavailable. For example, the Regional Libraries provide information to support litigation; however, successful litigation does not provide income as it does for private firms. Successful litigation does result in benefits that cannot be assigned a dollar value. Consequently, It is difficult to subject legal and company research to a strict cost/benefit computation. Examples of situations in which library-provided information contributed to non-financial benefits are given.

VI. Key Assumptions and Metrics

Assessing the return on investment (ROI) for EPA libraries depends upon adequate characterization and valuation of core library services and resources. The literature base indicates that corporate and government libraries can achieve impressive benefit/cost ratios and ROI when considered in terms of two primary metrics:

- *Value of professional time-saved.* Patron surveys conducted by Baldwin, Strouse and others find special libraries save in-house, professional patrons substantial amounts of time through performance of various research-related activities. Librarians are found to save professional staff as much as 16 hours "per question answered." For this analysis, however, we have used a more conservative measure of 1 hour saved for quick reference questions answered; and 8 hours saved per extended reference question answered. The professional time was valued at $35/hour per EPA staff and $26/hour per external user.[3] Patron surveys also suggest that librarians save professional staff approximately 1 hour "per document delivered."

- *Value-Added Per Reading.* Patron surveys conducted by Griffith and King, Strouse, and others find that discovery and provision of key documents, data, and information to professional researchers and administrators result in significant positive value to the organization, ranging between $600-777 "per reading."[4] For this analysis, an approximate mid-range estimate of $670 per resource supplied was utilized.

Section VII, below, outlines the core functional categories introduced in Section V, above; describes the benefits derived to EPA through performance of each category; and combines available data on costs and performance benefits to develop a provisional benefit/cost ratio.

VII. Summary of Key Activities and Services

EPA libraries are in the business of information science; providing unique skill sets and resources that enable the Agency to gather, classify and organize, store, retrieve, and disseminate information that is available physically and/or electronically. The EPA Library Network is a network of *librarians*, who ensure the effective and efficient functioning of EPA's information services; and *libraries*, which provide physical and cyberspace locations for storing information and conducting research activities. The key roles and functions of the librarians and libraries are described below.

VII.1 Research and Interpretation of Results for Patrons

Information science is by no means a process of passive bibliographic retrieval. It requires skilled and diplomatic communications with patrons to help them state and clarify assumptions, topical foci, research hypotheses, and other business objectives.

Library patrons do not always come with well-formed questions or clearly articulated requests for specific information resources. Rather, research is frequently a joint venture between the patron and the librarian. As the librarian helps the patron discover a variety of aspects about the research topic, the original question gradually sharpens into the right set of questions and their answers. Utilizing the "reference interview" process, librarians interact with patrons to translate ambiguous and problematic requests (e.g. Do you have information on drinking water?) into viable research topics (e.g. Our well water has had a reddish color since the last bad storm).

Specific activities included in this category include the following:

- reference assistance for EPA staff and the public,
- email referrals, including those from EPA web sites,
- hotline support,
- business information research,
- scientific and legal research,
- training and user support for EPA staff to use Agency resources including the Desktop Library and other tools purchased for their direct use.

Benefits to EPA: The Environmental Protection Agency was established to protect human health

and the environment. The development of regulations based on sound science, the enforcement of those regulations, the cleanup of hazardous waste sites using innovative technologies, and ongoing extensive research projects all require access to accurate, up-to-date information. The EPA libraries provide an in-house resource to assist EPA Program Offices in the discovery and interpretation of scientific, technological, legal, and business information. The interpretation and discovery of quality information sources informs management decisions and litigation strategies; promotes innovation in program and regulatory development, implementation, and enforcement; and enables enforcement staff to access data and information.

On an annual basis, provision of this functional category accounts for slightly under $1.7 million, or nearly one-third of the composite library services budget (see Exhibit 1). In 2003, librarians fielded and successfully addressed 56,175 reference questions from EPA staff and the public; of that total, approximately 60 percent, or 33,499 questions were posed by internal staff (see Exhibit 2). Librarians also conducted 90,116 database searches for EPA staff and the public. For the purposes of valuation, database searches are assumed to lead to resources supplied.

Table 1. Value of Research and Interpretation of Results for Patrons

Service	2003 Total	Hours saved*	Cost per hour	Total savings
Quick reference for EPA staff	16,243	16,243	35.00	$568,505
Quick reference for external users	14,553	14,553	26.00	$378,378
Extended reference for EPA staff	17,256	138,048	35.00	$4,831,680
Extended reference for external users	8,124	64,992	26.00	$1,689,792
Database searches for EPA staff	60,275	60,275	35.00	$2,109,625
Database searches for external users	29,841	29,841	26.00	$775,866
Total	146,292	323,952		$10,353,866

* - See the "Value of Professional Time Saved" assumption above.

Between answering reference questions and conducting database searches, EPA librarians are estimated to have saved over 214,566 hours of EPA staff time, resulting in a cost-savings to the Agency of slightly over $7.5 million. The benefit to cost ratio for provision of library reference services within EPA is conservatively estimated to be over 4.4:1. Adding in the value of Public Access, the ratio exceeds 6:1.

VII.2 Distribution of Information Resources

Library customers often identify needed resources that are physically housed at other libraries both within and without the Agency or are available electronically. Likewise, the result of reference questions is often an identified document or citation that must be obtained for the user. Librarians, therefore, are responsible for obtaining needed documents (reports, articles, patents, standards, etc.) for in-house staff. Conversely, they also provide materials, often EPA documents, to outside users directly or through standard library procedures such as interlibrary loan.

Librarians manage and facilitate access to physical and electronic information products within and among EPA facilities as well as other libraries and vendors that provide resources for EPA staff. These interactions with other libraries are often referred to as interlibrary loan and include working with academic and research institutions, private companies, and law firms. Each EPA library also coordinates access to commercial vendors that can provide necessary reports, documents, and other resources as funds are available. Products such as Dun & Bradstreet company reports, full-text journal articles, and legislative case law are all acquired in this fashion by EPA libraries with the funds to purchase them.

Librarians are also responsible for ensuring that the collections they own in their location are securely preserved, kept up-to-date, and maintained. Preservation and access to physical materials is becoming pressured by issues of how large the library is in the facility. At the same time, most legacy EPA materials are only in paper format. Likewise, the preservation of digital material is challenging in cases where information products do not reside on EPA servers and/or where the library does not own the information collections. Another complication is that current EPA documents and research reports are posted and deleted from the EPA web site at the discretion of the webmaster and web site manager. When paper copies do not exist, the information is often lost.

Specific activities under this service area include the following:

- interlibrary loan and document delivery processing,
- cataloging and assigning metadata,
- journal and periodical routing,
- photocopying and downloading information,
- shelving and inventory,
- serials check-in and management and inventory control, and
- classifying and indexing electronic resources.

Benefits to EPA: It is expensive for EPA organizations to acquire information that they may need for regulatory development, enforcement actions, and research activities. However, not obtaining quality information, whether from commercial vendors or from Agency resources, could be exponentially more costly–in terms of dollars, environmental and public health impacts, and Agency credibility. EPA libraries compile and acquire bibliographic materials, databases, or other information products in order for the Agency to know what it needs to know as soon as the need is identified. The organization, upkeep, and maintenance of these collections is therefore paramount to their effective utilization. Librarians quickly access collected data and bibliographic resources (both physical and electronic) and employ effective mechanisms to provide these resources to internal patrons. These same activities also assist outside users in identifying and locating EPA-produced information.

As illustrated in Exhibit 1, the distribution and maintenance of materials accounts for almost $1.5 million, or nearly one-quarter of the annual composite budget. As illustrated in Exhibit 2, in 2003, EPA libraries processed and delivered 99,197 documents and other information resources to patrons, including 65,825 to EPA staff.

Table 2. Value of Distribution of Information Resources

Service	2003 Total	Hours saved*	Cost per hour	Total value
Resources supplied to EPA staff	65,825	65,825	35.00	$2,303,875
Resources supplied to external users	33,372	33,372	26.00	$867,672
Total	99,197	99,197		$3,171,547

* - As outlined in Section IV, above, patron surveys conducted in government library systems analogous to the EPA libraries suggest that typical distribution services (processing inter-library loans, downloading articles, providing publications from collections) save users approximately 1 hour per information resource.[5]

Considering only EPA patrons, the benefit to cost ratio for distribution and maintenance of EPA library resources is 1.5:1. Considering the value of these service to external users increased the value to 2.1:1.

VII.3 Selection and Acquisition for Collections

EPA librarians conduct all tasks related to selecting and purchasing the documents and other information products for their library collections, whether within its physical collections, electronically accessible products, or resources made available via consortial or other arrangements.

The subject specialities required to fulfill the Agency's mission are wide and varying. Because it is impossible to acquire, store and organize the information pertaining to all of EPA's mission foci, the professional judgment of librarians is key in selecting those resources most critical to the users served by each library. For example, Regional libraries frequently develop and maintain extensive collections of localized data and literature. The RTP Library has an extensive collection of air quality information. Also, selection and pricing of periodicals, journals, monographs, and other bibliographic materials has grown very complex in the electronic era, requiring knowledge of the general marketplace as well as of individual products. Negotiating licenses for electronic products is particularly challenging, requiring good negotiating skills in addition to in-depth product knowledge.

Specific activities included in this category include the following:

- specialized collection development,
- selection of journals, books, and databases,
- procurement of journals, books, and databases, and
- procurement of licensing agreements for access to electronic and digital information resources.

Benefits to EPA: Many of EPA's mission activities entail the need for rapid and/or repeated access to relatively specialized collections of data, scientific information and methods, and legal and legislative information. Similarly, it is necessary for EPA scientists, economists, attorneys, financial analysts, and other professional staff to stay abreast of cutting-edge developments and state-of-the-discipline information. The establishment of these collections enable EPA professionals to save time during the research phase of their activities, to conduct rapid turnaround research projects in response to evolving events, and to complete research projects that might have been stymied were unique and appropriate references not immediately available.

The process of selecting and acquiring information resources – including books, journals, legal subscriptions and databases – costs EPA slightly over $1.8 million per year, or approximately 29 percent of the composite budget (see Exhibit 1). The vast majority of these costs is in journal and legal subscriptions, nearly $1.3 million per year. Access to the most recent materials in scientific research is often critical for research activities and for field activities requiring the use of "new and innovative technologies." Lack of current legal information can easily lead to failed litigation. However, journal and legal service costs have skyrocketed over the last 20 years well above inflation--with some titles costing tens of thousands of dollars annually--while budgets have often decreased.

The value of EPA's collections lies not only in addressing the immediate needs of its users (those identified in the statistics collected by each library), but also in addressing their future needs. If the Agency were to cease its maintenance and collection of the 504,000 books and reports and 3,500 journal subscriptions, the costs of acquiring those materials on demand would be prohibitive to all but a few locations. Likewise, the loss of time in tracking materials down and having them sent to a location would reverse the value identified previously regarding resources supplied.

While we are aware of no metrics establishing either the value of a collection or the value-added to an organization's mission through establishment of a targeted collection, it is clear that establishment and maintenance of a collection is a necessary condition for the fulfillment of EPA's knowledge-intensive mission. For example, an October, 2003, a decision by an Administrative Law Judge reduced a proposed fine by 80% and criticized the Agency for not providing sufficient financial information on the company involved.

VII.4 Access to In-House and Remote Collections
The EPA libraries offer their patrons an enormous collection of documents, journals, books, and other information products, which are available at individual library facilities, through interlibrary loan, or electronically.

As indicated previously, the combined EPA libraries' collection includes over 504,000 books and reports, 3,500 journals, 25,000 maps, over 3,600,000 microfiche, and numerous other documents. The collection is also specialized in terms of both topics and media, including videos, databases, specific types of government documents (e.g., environmental impact statements), foreign language collections, and documents requiring special care use (e.g., Risk Management Plans). In addition, EPA librarians facilitate access to related EPA resources, including numerous technical and specialized hotlines, clearing houses, and Web sites, many of which contain or distribute documents and other information products.

In recent years, libraries (including those within EPA) have come to expand the traditional view and definition of collections: the concept no longer equates with physical objects that the library owns. As noted in a recent report from the Association of Research Libraries (ARL) Collections and Access Issues Task Force, the boundaries have expanded far beyond the print collections on site or the electronic files mounted locally to include electronic materials licensed or managed by the library and materials available through consortia. Increasingly, libraries are taking responsibility for born-digital collections (such as geospatial or numeric data sets as well as event- or incident-driven Web sites) and developing tools for their management and use. In a growing number of cases, a library's collection also includes resources that reside outside the domain of the library but for which the library takes some responsibility for managing and servicing.[6]

EPA librarians must exercise a comprehensive understanding of this widespread and diverse information milieu, and be able to develop effective search and retrieval strategies to match information requests with appropriate information media and repositories.

Specific activities in this functional category include the following:
- training and outreach,
- web site maintenance, and
- other.

Benefits to EPA: The information that EPA staff require to meet the mission of the Agency is extensive and complex. EPA librarians are familiar with the content of EPA collections, both in-house and remote. This results in significant time savings. It also results in a substantial increase in the quality of information resources presented for consideration in any given research application. Not only do trained, experienced librarians find resources more quickly, what they find is typically higher quality and/or more topically appropriate.

Activities and resources that enable and facilitate access to EPA's extensive and dispersed collection of information resources cost $568,791 per year, accounting for 9 percent of the composite budget (see Exhibit 1). This service category is vital to the efficient fulfillment of other duties, especially the provision of creative and intelligent reference services and rapid delivery of documents and other information resources. There are, however, no available metrics to quantify the value of this service category.

VII.5 Management and Administration

An obvious, but important, function of libraries is to provide the physical location for their patrons to conduct their information searches and research activities.

EPA library facilities provide their users with immediate access to professional information services and to clean, well-lit, quiet spaces in which to conduct research. The facilities also provide computers and other equipment to enable patrons (including the public) to locate and use electronic resources and to store EPA's inventory (both active and archival) of books, journals, and other bibliographic materials. These spaces are administered and maintained primarily by library contract staff.

Specific activities in this functional category include the following:

- coordination of EPA libraries via the EPA Library Network
- management of physical facilities,
- OCA Reading Room support,[1]
- contract and task order management, and
- staff development.

Benefits to EPA: As with any human and capital resource being utilized in a dynamic environment, competent management is essential to the library's ongoing role within EPA. Each library's management team develops and executes procurement strategies, develops and evaluates technical RFPs, and manages contracts and task orders to assure the smooth operation of the Agency's far-flung physical and electronic inventory of information resources. The EPA Library Network provides a voluntary, informal structure to coordinate activities, share resources and expertise and recommend changes to policies and procedures.

The management and administration of facilities, resources, staff, and contracts accounts for 11 percent, or $665,429 of the composite budget. The literature review conducted for this analysis uncovered no appropriate performance metrics for library system management. For this reason, no benefits estimates or benefit/cost ratio was calculated.

---

[1] Off-Site Consequence Analysis (OCA) information is collected under section 112(r)(7) of the Clean Air Act as part of the Risk Management Program. Individuals living within the region addressed by a particular OCA are allowed to review, but not copy or remove, such materials from federal reading rooms at 50 locations nation-wide, including EPA libraries.

VIII. Integrated Analysis of Costs and Benefits

In section VII, above, five functional categories were defined and assessed in terms of their individual costs and benefits. However, none of these services occur in isolation from the others. The fundamental purpose of the EPA libraries is to provide timely business- and mission-relevant information to EPA professional staff, such information is a necessary condition for the fulfillment of the Agency's mission. Functional categories 3,4, and 5 provide indirect support to EPA through administration and facilitation of functional categories 1 (reference) and 2 (distribution), which in turn provide direct support to Agency staff through time-saving assistance in the identification and provision of current, accurate and relevant information. If this were all that should be considered, the EPA libraries would have a benefit to cost ratio of almost 2.2:1. However, this is not all that should be considered.

In addition to the time-savings that EPA library services provide for the Agency's (and stakeholder) professional staff, EPA libraries and librarians also provide substantial value-added to Agency missions. In a classic 1993 study, Jose-Marie Griffith and Donald King estimated that professionals derive an average of $670 per reading of pertinent technical materials. Griffith and King's estimate attaches a monetary value to the axiom that information, in and of itself, is a valuable organizational resource.[7]

As discussed in section V, EPA librarians delivered a combined total of 99,197 information products in 2003. While there clearly is no basis to assume that *all* resources delivered via EPA librarians are actually "read," it is a safe assumption that *some* of these resources are read and utilized by Agency staff and/or the external parties. If, for example, it is assumed that only 1 percent of delivered documents are read, than the value-added benefit stands at approximately $664 thousand per year, resulting in a conservative benefit to cost ratio of almost 2.3:1. If it is assumed that one-third of delivered resources are read, than the value-added would be slightly under $22 million per year, with an associated benefit to cost ratio of over 5.7:1.

May 16, 2006

The Honorable Barbara Boxer
112 Hart Senate Office Building
Washington, DC 20510

The Honorable James Jeffords
413 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Boxer and Jeffords:

We are writing to convey the deep concerns of the library community about the proposed cut of up to $2 million in the FY 2007 budget of the U.S. Environmental Protection Agency (EPA) that could well, if implemented, result in the closure of the EPA Headquarters Library as well as many of EPA's 27 regional and laboratory libraries. Additionally, half of the FY2006 serials budget, $500,000 out of $1 million, has been cut from the budget of the Office of Administration and Resources Management.

These changes will make it more difficult for the agency's policymakers and the public to leverage the extensive, accurate knowledge found in these libraries. This information is essential to important decisions that affect the environment and difficulties in finding and using it potentially compromises the public's health.

Since its creation in the early 1970s, EPA has been a key source of essential information for the general public, for researchers across the country, and for the agency's own scientists and staff, from whom the libraries handle more than 134,000 research requests each year. The libraries house unique collections, including an estimated 50,000 one-of-a-kind primary source documents that are available nowhere else.

It is not just EPA's staff and scientists who use this material, of course. Marcia Olson, from Stoughton, Massachusetts writes, "I have been an information specialist in the environmental field for 20 years and without a doubt, the information services provided by the EPA library system are among the best of any government agency I have used. It is a tremendous resource for environmental science, toxicology, risk assessment and pollution topics which are vital for our nation to combat the complex environmental problems we face today. As an environmental librarian whose firm works closely with the EPA and with companies who must comply with environmental regulations, not having access to these vital materials would be so detrimental to our ability to practice sound science and prudent decision making."

Ruth Liddy, a librarian for an environmental consulting firm in Cambridge, Massachusetts writes, "I use the EPA libraries on a regular basis to obtain documents that are often not available anywhere else. In particular, their collections are the only ones to include numerous technical background documents from the earliest regulatory initiatives of the 1960's and 1970's that are often critical in current litigation or site remediation liability allocation. Closure of the EPA libraries, and the resulting loss of access to these regulatory records, will have a substantial negative impact on my company and many other parties involved in the environmental arena."

In a meeting between EPA staff and the library associations, it was indicated that the agency is committed to digitizing all unique materials and that they are reviewing how to phase-in that process. They do not, however, have either a business plan or a timeline for doing so. In the interim, significant resources are likely to be put in real risk of loss.

The EPA's regional libraries serve the public with collections that are specifically tailored to meet the needs of constituents by geographic region—such as mining in Colorado and wetlands in Maryland. If these regional libraries close, as they almost certainly will if the proposed budget cuts are approved, it will become extremely difficult—and in some cases impossible—for constituents and even EPA staff to find reliable information on sensitive environmental issues. The negative impact on public access to government information will be enormous.

As an example of what is at risk here, in the late 1980's or early 1990's, the EPA library in San Francisco sent many of its reports and documents to Hawaii. The University of Hawaii Library speculated that perhaps the library got them from another EPA library or office and they were duplicates; they were under the impression that a library had closed and Hawaii was getting their collection. Over a period of years, the University of Hawaii added the documents to their collection. They found that many of them were not in OCLC (Online Computer Library Center), nor were they listed in EPA Index, so the University did original cataloging on them and uploaded the records to OCLC. In many cases, University of Hawaii was the only library listed in OCLC as owning these materials. The October 2004 flood in Hawaii destroyed about 85% of University of Hawaii's EPA documents, including most of those that they got from the EPA library in California. Where or if this material is available anywhere else is not clear, but it would only be in EPA libraries.

The American Library Association, the American Association of Law Libraries and the Special Libraries Association have a long-standing commitment to promoting free public access to government information and we are troubled by what seems to be an accelerating trend in increased restrictions on access to government information. Individuals and communities need to be able to find high quality, accurate information about issues that concern them, such as the health and safety of their families and communities. Our members, your constituents, know firsthand how important the EPA library collections and services are to the American public.

We encourage you to question Ms. Molly O'Neil about what she will do to restore this most important American resource, the reports and collections of environmental information being stored, catalogued and made accessible by EPA's regional libraries and professional librarians.

Sincerely,

Mary Alice Baish

Mary Alice Baish, Associate Washington Affairs Representative
American Association of Law Libraries

Emily Sheketoff

Emily Sheketoff, Executive Director
American Library Association – Washington Office

Doug Newcomb

Douglas Newcomb, CAE
Chief Policy Officer
Special Library Association

○